

(3)(A), was executed by revising the amendment by Pub. L. 106-522, §161(2), which had added subsec. (e)(3) to this section, to reflect the probable intent of Congress. See 2000 Amendment note below.

Subsec. (e)(3)(C)(iv). Pub. L. 107-96, proviso, which directed amendment of the cap on administrative costs as amended by Pub. L. 106-522, §161, by substituting “5 percent” for “10 percent”, could not be executed because the words “10 percent” did not appear in this section after the amendment of Pub. L. 106-522, §161(2), by Pub. L. 107-96, par. (3). See 2000 Amendment note below.

2000—Subsec. (e)(2)(B). Pub. L. 106-553, §1(a)(1) [§161(1)], which directed amendment identical to amendment by Pub. L. 106-522, §161(1), below, was repealed by Pub. L. 106-554, §1(a)(4) [div. A, §406(a)]. See Effective Date and Construction of 2000 Amendment note below.

Pub. L. 106-522, §161(1), as amended by Pub. L. 107-96, par. (2), amended second sentence generally. Prior to amendment, second sentence read as follows: “Of such amounts and proceeds, \$5,000,000 shall be set aside for use as a credit enhancement fund for public charter schools in the District of Columbia, with the administration of the fund (including the making of loans) to be carried out by the Mayor through a committee consisting of three individuals appointed by the Mayor of the District of Columbia and two individuals appointed by the Public Charter School Board established under section 2214 of the District of Columbia School Reform Act of 1995.”

Subsec. (e)(3). Pub. L. 106-553, §1(a)(1) [§161(2)], which directed amendment identical to amendment by Pub. L. 106-522, §161(2), below, was repealed by Pub. L. 106-554, §1(a)(4) [div. A, §406(a)]. See Effective Date and Construction of 2000 Amendment note below.

Pub. L. 106-522, §161(2), as amended by Pub. L. 107-96, pars. (1) to (3), added par. (3).

1999—Subsec. (e)(2)(B). Pub. L. 106-113 inserted “and public charter” after “public” and inserted at end “Of such amounts and proceeds, \$5,000,000 shall be set aside for use as a credit enhancement fund for public charter schools in the District of Columbia, with the administration of the fund (including the making of loans) to be carried out by the Mayor through a committee consisting of three individuals appointed by the Mayor of the District of Columbia and two individuals appointed by the Public Charter School Board established under section 2214 of the District of Columbia School Reform Act of 1995.”

EFFECTIVE DATE OF 2004 AMENDMENT

Pub. L. 108-447, div. J, title I, §103(b), Dec. 8, 2004, 118 Stat. 3343, provided that: “The amendments made by this section [amending this section] shall take effect as if included in the enactment of the District of Columbia Appropriations Act, 2005 [Pub. L. 108-335].”

EFFECTIVE DATE OF 2001 AMENDMENT

Pub. L. 107-96, Dec. 21, 2001, 115 Stat. 936, provided that the amendments made by that act to section 161 of Pub. L. 106-522 are effective as if included in Pub. L. 106-522.

EFFECTIVE DATE AND CONSTRUCTION OF 2000 AMENDMENT

Pub. L. 106-554, §1(a)(4) [div. A, §406], Dec. 21, 2000, 114 Stat. 2763, 2763A-189, provided that:

“(a) The provisions of H.R. 5547 (as enacted into law by H.R. 4942 of the 106th Congress) [H.R. 5547 as enacted by section 1(a)(1) of Pub. L. 106-553, amending this section and enacting provisions set out as a note under section 6301 of Title 31, Money and Finance] are repealed and shall be deemed for all purposes (including section 1(b) of H.R. 4942 [Pub. L. 106-553, 1 U.S.C. 112 note]) to have never been enacted.

“(b) The repeal made by this section shall take effect as if included in H.R. 4942 of the 106th Congress [Pub. L. 106-553] on the date of its enactment [Dec. 21, 2000].”

SUBCHAPTER IX—ADDITIONAL PROGRAMS

PART A—PROJECT GRAD

§ 1161a. Project GRAD

(a) Purposes

The purposes of this section are—

(1) to provide support and assistance to programs implementing integrated education reform services in order to improve secondary school graduation, postsecondary program attendance, and postsecondary completion rates for low-income students; and

(2) to promote the establishment of new programs to implement such integrated education reform services.

(b) Definitions

In this section:

(1) Low-income student

The term “low-income student” means a student who is determined by a local educational agency to be from a low-income family using the measures described in section 6313(a)(5) of this title.

(2) Feeder pattern

The term “feeder pattern” means a secondary school and the elementary schools and middle schools that channel students into that secondary school.

(c) Contract authorized

From the amount appropriated to carry out this section, the Secretary is authorized to award a five-year contract to Project GRAD USA (referred to in this section as the “contractor”), a nonprofit education organization that has as its primary purpose the improvement of secondary school graduation and postsecondary attendance and completion rates for low-income students. Such contract shall be used to carry out the requirements of subsection (d) and to implement and sustain integrated education reform services through subcontractor activities described in subsection (e)(3) at existing Project GRAD program sites and to promote the expansion to new sites.

(d) Requirements of contract

The Secretary shall enter into an agreement with the contractor that requires that the contractor shall—

(1) enter into subcontracts with nonprofit educational organizations that serve a substantial number or percentage of low-income students (referred to in this subsection as “subcontractors”), under which the subcontractors agree to implement the Project GRAD programs described in subsection (e) and provide matching funds for such programs;

(2) directly carry out—

(A) activities to implement and sustain the literacy, mathematics, classroom management, social service, and postsecondary access programs further described in subsection (e)(3);

(B) activities to build the organizational and management capacity of the subcontractors to effectively implement and sustain the programs;

(C) activities for the purpose of improving and expanding the programs, including activities—

- (i) to further articulate a program for one or more grade levels and across grade levels;
- (ii) to tailor a program for a particular target audience; and
- (iii) to provide tighter integration across programs;

(D) activities for the purpose of implementing new Project GRAD program sites;

(E) activities for the purpose of promoting greater public awareness of integrated education reform services to improve secondary school graduation and postsecondary attendance rates for low-income students; and

(F) other activities directly related to improving secondary school graduation and postsecondary attendance and completion rates for low-income students; and

(3) use contract funds available under this section to pay—

(A) the amount determined under subsection (f); and

(B) costs associated with carrying out the activities and providing the services, as provided in paragraph (2) of this subsection.

(e) Supported programs

(1) Designation

The subcontractor programs referred to in this subsection shall be known as Project GRAD programs.

(2) Feeder patterns

Each subcontractor shall implement a Project GRAD program and shall, with the agreement of the contractor—

(A) identify or establish not less than one feeder pattern of public schools; and

(B) provide the integrated educational reform services described in paragraph (3) at each identified feeder pattern.

(3) Integrated education reform services

The services provided through a Project GRAD program may include—

(A) research-based programs in reading, mathematics, and classroom management;

(B) campus-based social services programs, including a systematic approach to increase family and community involvement in the schools served by the Project GRAD program;

(C) a postsecondary access program that includes—

(i) providing postsecondary scholarships for students who meet established criteria;

(ii) proven approaches for increasing student and family postsecondary awareness; and

(iii) assistance for students in applying for higher education financial aid; and

(D) such other services identified by the contractor as necessary to increase secondary school graduation and postsecondary attendance and completion rates.

(f) Use of funds

Of the funds made available to carry out this section, not more than five percent of such

funds, or \$4,000,000, whichever is less, shall be used by the contractor to pay for administration of the contract.

(g) Contribution and matching requirement

(1) In general

The contractor shall provide to each subcontractor an average of \$200 for each student served by the subcontractor in the Project GRAD program, adjusted to take into consideration—

(A) the resources or funds available in the area where the subcontractor will implement the Project GRAD program; and

(B) the need for the Project GRAD program in such area to improve student outcomes, including reading and mathematics achievement, secondary school graduation, and postsecondary attendance and completion rates.

(2) Matching requirement

Each subcontractor shall provide funds for the Project GRAD program in an amount that is equal to the amount received by the subcontractor from the contractor. Such matching funds may be provided in cash or in kind, fairly evaluated.

(3) Waiver authority

The contractor may waive, in whole or in part, the requirement of paragraph (2) for a subcontractor, if the subcontractor—

(A) demonstrates that the subcontractor would not otherwise be able to participate in the program; and

(B) enters into an agreement with the contractor with respect to the amount to which the waiver will apply.

(h) Evaluation

(1) Evaluation by the Secretary

The Secretary shall select an independent entity to evaluate, every three years, the performance of students who participate in a Project GRAD program under this section. The evaluation shall—

(A) be conducted using a rigorous research design for determining the effectiveness of the Project GRAD programs funded under this section; and

(B) compare reading and mathematics achievement, secondary school graduation, and postsecondary attendance and completion rates of students who participate in a Project GRAD program funded under this section with those indicators for students of similar backgrounds who do not participate in such program.

(2) Evaluation by contractor and subcontractors

The contractor shall require each subcontractor to prepare an in-depth report of the results and the use of funds of each Project GRAD program funded under this section that includes—

(A) data on the reading and mathematics achievement of students involved in the Project GRAD program;

(B) data on secondary school graduation and postsecondary attendance and completion rates; and

(C) such financial reporting as required by the Secretary to review the effectiveness and efficiency of the program.

(3) Availability of evaluations

Copies of any evaluation or report prepared under this subsection shall be made available to—

- (A) the Secretary; and
- (B) the authorizing committees.

(i) Authorization of appropriations

There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2009 and each of the five succeeding fiscal years.

(Pub. L. 89-329, title VIII, §801, as added Pub. L. 110-315, title VIII, §801, Aug. 14, 2008, 122 Stat. 3378.)

PART B—MATHEMATICS AND SCIENCE SCHOLARS PROGRAM

§ 1161b. Mathematics and science scholars program

(a) Program authorized

From the amounts appropriated under subsection (f), the Secretary is authorized to award grants to States, on a competitive basis, to enable the States to encourage students to pursue a rigorous course of study, beginning in secondary school and continuing through the students' postsecondary education, in science, technology, engineering, mathematics, or a health-related field.

(b) Applications

(1) In general

A State that desires a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. A State may submit an application to receive a grant under subsection (c) or (d), or both.

(2) Contents of application

Each application shall include a description of—

- (A) the program or programs for which the State is applying;
- (B) if applicable, the priority set by the Governor pursuant to subsection (c)(4) or (d)(3); and
- (C) how the State will meet the requirements of subsection (e).

(c) Mathematics and science scholars program

(1) Grant for scholarships

The Secretary shall award grants under this subsection to provide scholarship support to eligible students.

(2) Eligible students

A student is eligible for a scholarship under this subsection if the student—

- (A) meets the requirements of section 1091(a) of this title;
- (B) is a full-time student in the student's first year of undergraduate study; and
- (C) has completed a rigorous secondary school curriculum in mathematics and science.

(3) Rigorous curriculum

Each participating State shall determine the requirements for a rigorous secondary school curriculum in mathematics and science described in paragraph (2)(C).

(4) Priority for scholarships

The Governor of a State may set a priority for awarding scholarships under this subsection for particular eligible students, such as students attending schools in high-need local educational agencies (as defined in section 1021 of this title), students who are from groups underrepresented in the fields of mathematics, science, and engineering, students served by local educational agencies that do not meet or exceed State standards in mathematics and science, or other high-need students.

(5) Amount and duration of scholarship

The Secretary shall award a grant under this subsection to provide scholarships—

- (A) in an amount that does not exceed \$5,000 per student; and
- (B) for not more than one year of undergraduate study.

(d) STEM or health-related scholars program

(1) Grant for scholarships

The Secretary shall award grants under this subsection to provide scholarship support to eligible students.

(2) Eligible students

A student is eligible for scholarship under this subsection if the student—

- (A) meets the requirements of section 1091(a) of this title;
- (B) is a full-time student who has completed at least the first year of undergraduate study;
- (C) is enrolled in a program of undergraduate instruction leading to a bachelor's degree with a major in science, technology, engineering, mathematics, or a health-related field; and
- (D) has obtained a cumulative grade point average of at least a 3.0 (or the equivalent as determined under regulations prescribed by the Secretary) at the end of the most recently completed term.

(3) Priority for scholarships

The Governor of a State may set a priority for awarding scholarships under this subsection for students agreeing to work in areas of science, technology, engineering, mathematics, or health-related fields.

(4) Amount and duration of scholarship

The Secretary shall award a grant under this subsection to provide scholarships—

- (A) in an amount that does not exceed \$5,000 per student for an academic year; and
- (B) in an aggregate amount that does not exceed \$20,000 per student.

(e) Matching requirement

In order to receive a grant under this section, a State shall provide matching funds for the scholarships awarded under this section in an amount equal to 50 percent of the Federal funds received.

(f) Authorization

There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2009 and each of the five succeeding fiscal years.

(g) Definition

The term “Governor” means the chief executive officer of a State.

(Pub. L. 89–329, title VIII, § 802, as added Pub. L. 110–315, title VIII, § 801, Aug. 14, 2008, 122 Stat. 3381; amended Pub. L. 111–39, title VIII, § 801(1), July 1, 2009, 123 Stat. 1955.)

AMENDMENTS

2009—Subsec. (d)(2)(D). Pub. L. 111–39 substituted “regulations” for “regulation”.

EFFECTIVE DATE OF 2009 AMENDMENT

Amendment by Pub. L. 111–39 effective as if enacted on the date of enactment of Pub. L. 110–315 (Aug. 14, 2008), see section 3 of Pub. L. 111–39, set out as a note under section 1001 of this title.

**PART C—BUSINESS WORKFORCE PARTNERSHIPS
FOR JOB SKILL TRAINING IN HIGH-GROWTH OC-
CUPATIONS OR INDUSTRIES**

**§ 1161c. Business workforce partnerships for job
skill training in high-growth occupations or
industries**

(a) Purpose

The purpose of this section is to provide grants to institutions of higher education partnering with employers to—

- (1) provide relevant job skill training in high-growth and high-wage industries or occupations to nontraditional students; and
- (2) strengthen ties between degree credit offerings at institutions of higher education and business and industry workforce needs.

(b) Authorization**(1) In general**

From the amounts appropriated under subsection (k), the Secretary shall award grants, on a competitive basis, to eligible partnerships for the purpose provided in subsection (a).

(2) Duration

The Secretary shall award grants under this section for a period of not less than 36 months and not more than 60 months.

(3) Supplement, not supplant

Funds made available under this section shall be used to supplement, and not supplant, other Federal, State, and local funds available to the eligible partnership for carrying out the activities described in subsection (c).

(c) Use of funds

In consultation with all of the members of an eligible partnership, grant funds provided under this section may be used to—

- (1) expand or create for-credit academic programs or programs of training that provide relevant job skill training for high-growth and high-wage occupations or industries, including offerings connected to registered apprenticeship programs and entrepreneurial training opportunities;

(2) in consultation with faculty in the appropriate departments of an institution of higher education, adapt college offerings to the schedules and needs of working students, such as the creation of evening, weekend, modular, compressed, or distance learning formats;

(3) purchase equipment that will facilitate the development of academic programs or programs of training that provide training for high-growth and high-wage occupations or industries;

(4) strengthen outreach efforts that enable students, including students with limited English proficiency, to attend institutions of higher education with academic programs or programs of training focused on high-growth and high-wage occupations or industries;

(5) expand worksite learning and training opportunities, including registered apprenticeships as appropriate; and

(6) support other activities the Secretary determines to be consistent with the purpose of this section.

(d) Application**(1) In general**

Each eligible partnership that desires a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such additional information as the Secretary may require.

(2) Contents

Each application submitted under paragraph (1) shall include a description of—

- (A) how the eligible partnership, through the institution of higher education, will provide relevant job skill training for students to enter high-growth and high-wage occupations or industries; and
- (B) how the eligible partnership has consulted with employers and, where applicable, labor organizations to identify local high-growth and high-wage occupations or industries.

(e) Award basis

In awarding grants under this section, the Secretary shall—

- (1) give priority to applications focused on serving nontraditional students;
- (2) ensure an equitable distribution of grant funds under this section among urban and rural areas of the United States; and
- (3) take into consideration the capability of an institution of higher education that is participating in an eligible partnership to—

(A) offer one- or two-year high-quality programs of instruction and job skill training for students entering a high-growth and high-wage occupation or industry;

(B) involve the local business community, and to place graduates in employment in high-growth and high-wage occupations or industries in the community; and

(C) serve adult workers or displaced workers.

(f) Administrative costs

A grantee under this section may use not more than five percent of the grant amount to pay administrative costs associated with activities funded by the grant.

(g) Technical assistance

The Secretary shall provide technical assistance to grantees under this section throughout the grant period.

(h) Evaluation

The Secretary shall conduct an evaluation of the effectiveness of the program under this section based on performance standards developed in consultation with the Department of Labor, and shall disseminate to the public the findings of such evaluation and information related to promising practices developed under this section.

(i) Report to Congress

Not later than 36 months after the first grant is awarded under this section, the Comptroller General shall report to the authorizing committees recommendations—

(1) for changes to this chapter and part C of subchapter I of chapter 34 of title 42 and related Acts, such as the Carl D. Perkins Career and Technical Education Act of 2006 [20 U.S.C. 2301 et seq.] and the Workforce Investment Act of 1998 (including titles I and II [29 U.S.C. 2801 et seq.; 20 U.S.C. 9201 et seq.]), to help create and sustain business and industry workforce partnerships at institutions of higher education; and

(2) for other changes to this chapter and part C of subchapter I of chapter 34 of title 42 and related Acts to otherwise strengthen the links between business and industry workforce needs, workforce development programs, and other degree credit offerings at institutions of higher education.

(j) Definitions

In this section:

(1) Eligible partnership**(A) In general**

The term “eligible partnership” means a partnership that includes—

(i) one or more institutions of higher education, one of which serves as the fiscal agent and grant recipient for the eligible partnership;

(ii) except as provided in subparagraph (B), an employer, group of employers, local board (as such term is defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801)), or workforce intermediary, or any combination thereof; and

(iii) where applicable, one or more labor organizations that represent workers locally in the businesses or industries that are the focus of the partnership, including as a result of such an organization's representation of employees at a worksite at which the partnership proposes to conduct activities under this section.

(B) State and local boards

Notwithstanding subparagraph (A), if an institution of higher education that is participating in an eligible partnership under this section is located in a State that does not operate local boards, an eligible partnership may include a State board (as such term is defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801)).

(C) Rule of construction

Nothing in this subsection shall be construed to prohibit an eligible partnership that is in existence on August 14, 2008, from applying for a grant under this section.

(2) Nontraditional student

The term “nontraditional student” means a student—

(A) who is an independent student, as defined in section 1087vv(d) of this title;

(B) who attends an institution of higher education—

(i) on less than a full-time basis;

(ii) via evening, weekend, modular, or compressed courses; or

(iii) via distance education methods; and

(C) who—

(i) enrolled for the first time in an institution of higher education three or more years after completing high school; or

(ii) works full-time.

(k) Authorization of appropriations

There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2009 and each of the five succeeding fiscal years.

(Pub. L. 89-329, title VIII, §803, as added Pub. L. 110-315, title VIII, §801, Aug. 14, 2008, 122 Stat. 3382.)

REFERENCES IN TEXT

The Carl D. Perkins Career and Technical Education Act of 2006, referred to in subsec. (i)(1), is Pub. L. 88-210, Dec. 18, 1963, 77 Stat. 403, as amended generally by Pub. L. 109-270, §1(b), Aug. 12, 2006, 120 Stat. 683, which is classified generally to chapter 44 (§2301 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2301 of this title and Tables.

The Workforce Investment Act of 1998, referred to in subsec. (i)(1), is Pub. L. 105-220, Aug. 7, 1998, 112 Stat. 936, which enacted chapter 73 (§9201 et seq.) of this title, and chapter 30 (§2801 et seq.) of Title 29, Labor, and enacted, amended, and repealed numerous other sections and notes in the Code. Title I of the Act is classified principally to chapter 30 (§2801 et seq.) of Title 29. Title II of the Act is classified generally to subchapter I (§9201 et seq.) of chapter 73 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 9201 of this title and Tables.

PART D—CAPACITY FOR NURSING STUDENTS AND FACULTY

§ 1161d. Capacity for nursing students and faculty**(a) Authorization**

From the amounts appropriated under subsection (f), the Secretary shall award grants to institutions of higher education that offer—

(1) an accredited registered nursing program at the baccalaureate or associate degree level to enable such program to expand the faculty and facilities of such program to accommodate additional students in such program; or

(2) an accredited graduate-level nursing program to accommodate advanced practice degrees for registered nurses or to accommodate students enrolled in such program to become teachers of nursing students.

(b) Determination of number of students and application

Each institution of higher education that offers a program described in subsection (a) that desires to receive a grant under this section shall—

(1) determine, for the four academic years preceding the academic year for which the determination is made, the average number of matriculated nursing program students, in each of the institution's accredited associate, baccalaureate, or advanced nursing degree programs at such institution for such academic years;

(2) submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require, including the average number in each of the institution's accredited nursing programs determined under paragraph (1); and

(3) with respect to the partnerships described in subsection (c)(2)(B), provide assurances that—

(A) the individuals enrolled in the program will—

(i) be registered nurses in pursuit of a master's or doctoral degree in nursing; and

(ii) have a contractual obligation with the hospital or health facility that is in partnership with the institution of higher education;

(B) the hospital or health facility of employment will be the clinical site for the accredited school of nursing program, if the program requires a clinical site;

(C) individuals enrolled in the program will—

(i) maintain their employment on at least a part-time basis with the hospital or health facility that allowed them to participate in the program; and

(ii) receive an income from the hospital or health facility, as at least a part-time employee, and release times or flexible schedules, to accommodate their program requirements, as necessary; and

(D) upon completion of the program, recipients of scholarships described in subsection (c)(2)(B)(ii)(III) will be required to teach for two years in an accredited school of nursing for each year of support the individual received under this section.

(c) Grant amount; award basis**(1) Grant amount**

For each academic year after academic year 2009–2010, the Secretary is authorized to provide to each institution of higher education awarded a grant under this section an amount that is equal to \$3,000 multiplied by the number by which—

(A) the number of matriculated nursing program students at such institution for such academic year, exceeds

(B) the average number determined with respect to such institution under subsection (b)(1).

(2) Distribution of grants among different degree programs**(A) In general**

Subject to subparagraph (D), from the funds available to award grants under this section for each fiscal year, the Secretary shall—

(i) use 20 percent of such funds to award grants under this section to institutions of higher education for the purpose of accommodating advanced practice degrees or students in accredited graduate-level nursing programs;

(ii) use 40 percent of such funds to award grants under this section to institutions of higher education for the purpose of expanding accredited registered nurse programs at the baccalaureate degree level; and

(iii) use 40 percent of such funds to award grants under this section to institutions of higher education for the purpose of expanding accredited registered nurse programs at the associate degree level.

(B) Optional uses of funds

Grants awarded under this section may be used to support partnerships with hospitals or health facilities to—

(i) improve the alignment between nursing education and the emerging challenges of health care delivery by—

(I) the purchase of distance learning technologies and expanding methods of delivery of instruction to include alternatives to onsite learning; and

(II) the collection, analysis, and dissemination of data on educational outcomes and best practices identified through the activities described in this section; and

(ii) ensure that students can earn a salary while obtaining an advanced degree in nursing with the goal of becoming nurse faculty by—

(I) funding release time for qualified nurses enrolled in the graduate nursing program;

(II) providing for faculty salaries; or

(III) providing scholarships to qualified nurses in pursuit of an advanced degree with the goal of becoming faculty members in an accredited nursing program.

(C) Considerations in making awards

In awarding grants under this section, the Secretary shall consider the following:

(i) Geographic distribution

Providing an equitable geographic distribution of such grants.

(ii) Urban and rural areas

Distributing such grants to urban and rural areas.

(iii) Range and type of institution

Ensuring that the activities to be assisted are developed for a range of types and sizes of institutions of higher education, including institutions providing alternative methods of delivery of instruction in addition to on-site learning.

(D) Distribution of excess funds

If, for a fiscal year, funds described in clause (i), (ii), or (iii) of subparagraph (A) remain available after the Secretary awards grants under this section to all applicants for the particular category of accredited nursing programs described in such clause, the Secretary shall use equal amounts of the remaining funds to award grants under this section to applicants that applied under the other categories of nursing programs.

(E) Limitation

Of the amount appropriated to carry out this section, the Secretary may award not more than ten percent of such amount for the optional purposes under subparagraph (B).

(d) Definitions

For purposes of this section:

(1) Health facility

The term “health facility” means an Indian health service center, a Native Hawaiian health center, a hospital, a federally qualified health center, a rural health clinic, a nursing home, a home health agency, a hospice program, a public health clinic, a State or local department of public health, a skilled nursing facility, or an ambulatory surgical center.

(2) Public Health Service Act

The terms “accredited” and “school of nursing” have the meanings given those terms in section 801 of the Public Health Service Act (42 U.S.C. 296).

(e) Prohibition**(1) In general**

Funds provided under this section may not be used for the construction of new facilities.

(2) Rule of construction

Nothing in paragraph (1) shall be construed to prohibit funds provided under this section from being used for the repair or renovation of facilities.

(f) Authorization of appropriations

There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2009 and each of the five succeeding fiscal years.

(Pub. L. 89–329, title VIII, §804, as added Pub. L. 110–315, title VIII, §801, Aug. 14, 2008, 122 Stat. 3385; amended Pub. L. 111–39, title VIII, §801(2), July 1, 2009, 123 Stat. 1955.)

AMENDMENTS

2009—Subsec. (d). Pub. L. 111–39 substituted “Definitions” for “Definition” in heading, added par. (2), and struck out former par. (2). Prior to amendment, text read as follows: “The terms ‘accredited school of nursing’ and ‘accredited nursing program’ have the meaning given those terms in section 296 of title 42.”

EFFECTIVE DATE OF 2009 AMENDMENT

Amendment by Pub. L. 111–39 effective as if enacted on the date of enactment of Pub. L. 110–315 (Aug. 14, 2008), see section 3 of Pub. L. 111–39, set out as a note under section 1001 of this title.

PART E—AMERICAN HISTORY FOR FREEDOM**§ 1161e. American history for freedom****(a) Grants authorized**

From the amounts appropriated under subsection (f), the Secretary is authorized to award three-year grants, on a competitive basis, to eligible institutions to establish or strengthen postsecondary academic programs or centers that promote and impart knowledge of—

- (1) traditional American history;
- (2) the history and nature of, and threats to, free institutions; or
- (3) the history and achievements of Western civilization.

(b) Definitions

In this section:

(1) Eligible institution

The term “eligible institution” means an institution of higher education as defined in section 1001 of this title.

(2) Free institution

The term “free institution” means an institution that emerged out of Western civilization, such as democracy, constitutional government, individual rights, market economics, religious freedom and religious tolerance, and freedom of thought and inquiry.

(3) Traditional American history

The term “traditional American history” means—

- (A) the significant constitutional, political, intellectual, economic, and foreign policy trends and issues that have shaped the course of American history; and
- (B) the key episodes, turning points, and leading figures involved in the constitutional, political, intellectual, diplomatic, and economic history of the United States.

(c) Application**(1) In general**

Each eligible institution that desires a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

(2) Contents

Each application submitted under paragraph (1) shall include a description of—

- (A) how funds made available under this section will be used for the activities set forth under subsection (e), including how such activities will increase knowledge with respect to traditional American history, free institutions, or Western civilization;
- (B) how the eligible institution will ensure that information about the activities funded under this section is widely disseminated pursuant to subsection (e)(1)(B);
- (C) any activities to be undertaken pursuant to subsection (e)(2)(A), including identification of entities intended to participate;
- (D) how funds made available under this section shall be used to supplement and not supplant non-Federal funds available for the activities described in subsection (e); and

(E) such fiscal controls and accounting procedures as may be necessary to ensure proper disbursement of and accounting for funding made available to the eligible institution under this section.

(d) Award basis

In awarding grants under this section, the Secretary shall take into consideration the capability of the eligible institution to—

- (1) increase access to quality programming that expands knowledge of traditional American history, free institutions, or Western civilization;
- (2) involve personnel with strong expertise in traditional American history, free institutions, or Western civilization; and
- (3) sustain the activities funded under this section after the grant has expired.

(e) Use of funds

(1) Required use of funds

Funds provided under this section shall be used to—

(A) establish or strengthen academic programs or centers focused on traditional American history, free institutions, or Western civilization, which may include—

- (i) design and implementation of programs of study, courses, lecture series, seminars, and symposia;
- (ii) development, publication, and dissemination of instructional materials;
- (iii) research;
- (iv) support for faculty teaching in undergraduate and, if applicable, graduate programs;
- (v) support for graduate and postgraduate fellowships, if applicable; or
- (vi) teacher preparation initiatives that stress content mastery regarding traditional American history, free institutions, or Western civilization; and

(B) conduct outreach activities to ensure that information about the activities funded under this section is widely disseminated—

- (i) to undergraduate students (including students enrolled in teacher education programs, if applicable);
- (ii) to graduate students (including students enrolled in teacher education programs, if applicable);
- (iii) to faculty;
- (iv) to local educational agencies; and
- (v) within the local community.

(2) Allowable uses of funds

Funds provided under this section may be used to support—

- (A) collaboration with entities such as—
 - (i) local educational agencies, for the purpose of providing elementary and secondary school teachers an opportunity to enhance their knowledge of traditional American history, free institutions, or Western civilization; and
 - (ii) nonprofit organizations whose mission is consistent with the purpose of this section, such as academic organizations, museums, and libraries, for assistance in carrying out activities described under subsection (a); and

(B) other activities that meet the purposes of this section.

(f) Authorization of appropriations

For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for fiscal year 2009 and each of the five succeeding fiscal years.

(Pub. L. 89-329, title VIII, §805, as added Pub. L. 110-315, title VIII, §801, Aug. 14, 2008, 122 Stat. 3388.)

PART F—TEACH FOR AMERICA

§ 1161f. Teach For America

(a) Definitions

For purposes of this section:

(1) Grantee

The term “grantee” means Teach For America, Inc.

(2) Highly qualified

The term “highly qualified” has the meaning given the term in section 7801 of this title or section 1401 of this title.

(3) High-need local educational agency

The term “high-need local educational agency” has the meaning given such term in section 1021 of this title.

(b) Grants authorized

From the amounts appropriated under subsection (f), the Secretary is authorized to award a five-year grant to Teach For America, Inc., the national teacher corps of outstanding recent college graduates who commit to teach for two years in underserved communities in the United States, to implement and expand its program of recruiting, selecting, training, and supporting new teachers.

(c) Requirements

In carrying out the grant program under subsection (b), the Secretary shall enter into an agreement with the grantee under which the grantee agrees to use the grant funds provided under this section to—

- (1) provide highly qualified teachers to high-need local educational agencies in urban and rural communities;
- (2) pay the costs of recruiting, selecting, training, and supporting new teachers; and
- (3) serve a substantial number and percentage of underserved students.

(d) Authorized activities

(1) In general

Grant funds provided under this section shall be used by the grantee to carry out each of the following activities:

- (A) Recruiting and selecting teachers through a highly selective national process.
- (B) Providing preservice training to such teachers through a rigorous summer institute that includes hands-on teaching experience and significant exposure to education coursework and theory.
- (C) Placing such teachers in schools and positions designated by high-need local educational agencies as high-need placements serving underserved students.

(D) Providing ongoing professional development activities for such teachers' first two years in the classroom, including regular classroom observations and feedback, and ongoing training and support.

(2) Limitation

The grantee shall use all grant funds received under this section to support activities related directly to the recruitment, selection, training, and support of teachers as described in subsection (b), except that funds may be used for non-programmatic costs in accordance with subsection (f)(2).

(e) Reports and evaluations

(1) Annual report

The grantee shall provide to the Secretary an annual report that includes—

(A) data on the number and quality of the teachers provided to local educational agencies through a grant under this section;

(B) an externally conducted analysis of the satisfaction of local educational agencies and principals with the teachers so provided; and

(C) comprehensive data on the background of the teachers chosen, the training such teachers received, the placement sites of such teachers, the professional development of such teachers, and the retention of such teachers.

(2) Study

(A) In general

From funds appropriated under subsection (f), the Secretary shall provide for a study that examines the achievement levels of the students taught by the teachers assisted under this section.

(B) Student achievement gains compared

The study shall compare, within the same schools, the achievement gains made by students taught by teachers who are assisted under this section with the achievement gains made by students taught by teachers who are not assisted under this section.

(C) Requirements

The Secretary shall provide for such a study not less than once every three years, and each such study shall include multiple placement sites and multiple schools within placement sites.

(D) Peer review standards

Each such study shall meet the peer review standards of the education research community. Further, the peer review standards shall ensure that reviewers are practicing researchers and have expertise in assessment systems, accountability, psychometric measurement and statistics, and instruction.

(3) Accounting, financial reporting, and internal control systems

(A) In general

The grantee shall contract with an independent auditor to conduct a comprehensive review of the grantee's accounting, financial reporting, and internal control systems.

Such review shall assess whether that grantee's accounting, financial reporting, and internal control systems are designed to—

(i) provide information that is complete, accurate, and reliable;

(ii) reasonably detect and prevent material misstatements, as well as fraud, waste, and abuse; and

(iii) provide information to demonstrate the grantee's compliance with related Federal programs, as applicable.

(B) Review requirements

Not later than 90 days after the grantee receives funds to carry out this section for the first fiscal year in which funds become available to carry out this section after August 14, 2008, the independent auditor shall complete the review required by this paragraph.

(C) Report

Not later than 120 days after the grantee receives funds to carry out this section for the first fiscal year in which funds become available to carry out this section after August 14, 2008, the independent auditor shall submit a report to the authorizing committees and the Secretary of the findings of the review required under this paragraph, including any recommendations of the independent auditor, as appropriate, with respect to the grantee's accounting, financial reporting, and internal control systems.

(f) Authorization of appropriations

(1) In general

The amount authorized to be appropriated to carry out this section shall not exceed—

(A) \$20,000,000 for fiscal year 2009;

(B) \$25,000,000 for fiscal year 2010; and

(C) such sums as may be necessary for each of the four succeeding fiscal years.

(2) Limitation

The grantee shall not use more than 5 percent of Federal funds made available under this section for non-programmatic costs to carry out this section.

(Pub. L. 89-329, title VIII, § 806, as added Pub. L. 110-315, title VIII, § 801, Aug. 14, 2008, 122 Stat. 3390.)

PART G—PATSY T. MINK FELLOWSHIP PROGRAM

§ 1161g. Patsy T. Mink fellowship program

(a) Purpose; designation

(1) In general

It is the purpose of this section to provide, through eligible institutions, a program of fellowship awards to assist highly qualified minorities and women to acquire the doctoral degree, or highest possible degree available, in academic areas in which such individuals are underrepresented for the purpose of enabling such individuals to enter the higher education professoriate.

(2) Designation

Each recipient of a fellowship award from an eligible institution receiving a grant under this section shall be known as a "Patsy T. Mink Graduate Fellow".

(b) Eligible institution

In this section, the term “eligible institution” means an institution of higher education, or a consortium of such institutions, that offers a program of postbaccalaureate study leading to a graduate degree.

(c) Program authorized**(1) Grants by Secretary****(A) In general**

From the amounts appropriated under subsection (f), the Secretary shall award grants to eligible institutions to enable such institutions to make fellowship awards to individuals in accordance with the provisions of this section.

(B) Priority consideration

In awarding grants under this section, the Secretary shall consider the eligible institution’s prior experience in producing doctoral degree, or highest possible degree available, holders who are minorities and women, and shall give priority consideration in making grants under this section to those eligible institutions with a demonstrated record of producing minorities and women who have earned such degrees.

(2) Applications**(A) In general**

An eligible institution that desires a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(B) Applications made on behalf

The following entities may submit an application on behalf of an eligible institution:

- (i) A graduate school or department of such institution.
- (ii) A graduate school or department of such institution in collaboration with an undergraduate college or school of such institution.
- (iii) An organizational unit within such institution that offers a program of postbaccalaureate study leading to a graduate degree, including an interdisciplinary or an interdepartmental program.

(C) Partnership

In developing a grant application and carrying out the grant activities authorized under this section, an eligible institution may partner with a nonprofit organization with a demonstrated record of helping minorities and women earn postbaccalaureate degrees.

(3) Selection of applications

In awarding grants under paragraph (1), the Secretary shall—

- (A) take into account—
 - (i) the number and distribution of minority and female faculty nationally;
 - (ii) the current and projected need for highly trained individuals in all areas of the higher education professoriate; and
 - (iii) the present and projected need for highly trained individuals in academic ca-

reer fields in which minorities and women are underrepresented in the higher education professoriate; and

(B) consider the need to prepare a large number of minorities and women generally in academic career fields of high national priority, especially in areas in which such individuals are traditionally underrepresented in college and university faculty.

(4) Distribution and amounts of grants**(A) Equitable distribution**

In awarding grants under this section, the Secretary shall, to the maximum extent feasible, ensure an equitable geographic distribution of awards and an equitable distribution among public and private eligible institutions that apply for grants under this section and that demonstrate an ability to achieve the purpose of this section.

(B) Special rule

To the maximum extent practicable, the Secretary shall use not less than 30 percent of the amount appropriated pursuant to subsection (f) to award grants to eligible institutions that are eligible for assistance under subchapter III or subchapter V, or to consortia of eligible institutions that include at least one eligible institution that is eligible for assistance under subchapter III or subchapter V.

(C) Allocation

In awarding grants under this section, the Secretary shall allocate appropriate funds to those eligible institutions whose applications indicate an ability to significantly increase the numbers of minorities and women entering the higher education professoriate and that commit institutional resources to the attainment of the purpose of this section.

(D) Number of fellowship awards

An eligible institution that receives a grant under this section shall make not less than ten fellowship awards.

(E) Insufficient funds

If the amount appropriated is not sufficient to permit all grantees under this section to provide the minimum number of fellowships required by subparagraph (D), the Secretary may, after awarding as many grants to support the minimum number of fellowships as such amount appropriated permits, award grants that do not require the grantee to award the minimum number of fellowships required by such subparagraph.

(5) Institutional allowance**(A) In general****(i) Number of allowances**

In awarding grants under this section, the Secretary shall pay to each eligible institution awarded a grant, for each individual awarded a fellowship by such institution under this section, an institutional allowance.

(ii) Amount

Except as provided in subparagraph (C), for academic year 2009–2010 and succeeding academic years, an institutional allowance under this paragraph shall be in an amount equal to the amount of institutional allowance made to an institution of higher education under section 1135d of this title for such academic year.

(B) Use of funds

Institutional allowances may be expended at the discretion of the eligible institution and may be used to provide, except as prohibited under subparagraph (D), academic support and career transition services for individuals awarded fellowships by such institution.

(C) Reduction

The institutional allowance paid under subparagraph (A) shall be reduced by the amount the eligible institution charges and collects from a fellowship recipient for tuition and other expenses as part of the recipient's instructional program.

(D) Use for overhead prohibited

Funds made available under this section may not be used for general operational overhead of the academic department or institution receiving funds under this section.

(d) Fellowship recipients**(1) Authorization**

An eligible institution that receives a grant under this section shall use the grant funds to make fellowship awards to minorities and women who are enrolled at such institution in a doctoral degree program, or program for the highest possible degree available, and—

(A) intend to pursue a career in instruction at—

(i) an institution of higher education (as the term is defined in section 1001 of this title);

(ii) an institution of higher education (as the term is defined in section 1002(a)(1) of this title); and

(iii) a proprietary institution of higher education (as the term is defined in section 1002(b) of this title); and

(B) sign an agreement with the Secretary agreeing—

(i) to begin employment at an institution described in subparagraph (A) not later than three years after receiving the doctoral degree or highest possible degree available, which three-year period may be extended by the Secretary for extraordinary circumstances; and

(ii) to be employed by such institution for one year for each year of fellowship assistance received under this section.

(2) Repayment for failure to comply

In the event that any recipient of a fellowship under this section fails or refuses to comply with the agreement signed pursuant to paragraph (1)(B), the sum of the amounts of any fellowship received by such recipient shall, upon a determination of such a failure

or refusal to comply, be treated as a Federal Direct Unsubsidized Stafford Loan under part C of subchapter IV, and shall be subject to repayment, together with interest thereon accruing from the date of the grant award, in accordance with terms and conditions specified by the Secretary in regulations under this section.

(3) Waiver and modification**(A) Regulations**

The Secretary shall promulgate regulations setting forth criteria to be considered in granting a waiver for the service requirement under paragraph (1)(B).

(B) Content

The criteria under subparagraph (A) shall include whether compliance with the service requirement by the fellowship recipient would be—

(i) inequitable and represent an extraordinary hardship; or

(ii) deemed impossible because the individual is permanently and totally disabled at the time of the waiver request.

(4) Amount of fellowship awards

Fellowship awards under this section shall consist of a stipend in an amount equal to the level of support provided to fellows under the National Science Foundation Graduate Research Fellowship Program, except that such stipend shall be adjusted as necessary so as not to exceed the fellow's tuition and fees or demonstrated need (as determined by the institution of higher education where the graduate student is enrolled), whichever is greater.

(5) Academic progress required

An individual student shall not be eligible to receive a fellowship award—

(A) except during periods in which such student is enrolled, and such student is maintaining satisfactory academic progress in, and devoting essentially full time to, study or research in the pursuit of the degree for which the fellowship support was awarded; and

(B) if the student is engaged in gainful employment, other than part-time employment in teaching, research, or similar activity determined by the eligible institution to be consistent with and supportive of the student's progress toward the appropriate degree.

(e) Rule of construction

Nothing in this section shall be construed to require an eligible institution that receives a grant under this section—

(1) to grant a preference to or to differentially treat any applicant for a faculty position as a result of the institution's participation in the program under this section; or

(2) to hire a Patsy T. Mink Fellow who completes this program and seeks employment at such institution.

(f) Authorization of appropriations

There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2009 and each of the five succeeding fiscal years.

(Pub. L. 89-329, title VIII, § 807, as added Pub. L. 110-315, title VIII, § 801, Aug. 14, 2008, 122 Stat. 3392.)

PART H—IMPROVING COLLEGE ENROLLMENT BY
SECONDARY SCHOOLS

§ 1161h. Improving college enrollment by secondary schools

(a) In general

From the amounts appropriated under subsection (c), the Secretary shall award a grant to one nonprofit organization described in subsection (b) to enable the nonprofit organization—

(1) to make publicly available the year-to-year postsecondary education enrollment rate trends of secondary school students, disaggregated by secondary school, in compliance with section 1232g of this title (commonly known as the “Family Educational Rights and Privacy Act of 1974”);

(2) to identify not less than 50 urban local educational agencies and five States with significant rural populations, each serving a significant population of low-income students, and to carry out a comprehensive assessment in the agencies and States of the factors known to contribute to improved postsecondary education enrollment rates, which factors shall include—

(A) the local educational agency’s and State’s leadership strategies and capacities;

(B) the secondary school curriculum and class offerings of the local educational agency and State;

(C) the professional development used by the local educational agency and the State to assist teachers, guidance counselors, and administrators in supporting the transition of secondary students to postsecondary education;

(D) secondary school student attendance and other factors demonstrated to be associated with enrollment into postsecondary education;

(E) the use of data systems by the local educational agency and the State to measure postsecondary education enrollment rates and the incentives in place to motivate the efforts of faculty and students to improve student and schoolwide outcomes; and

(F) strategies to mobilize student leaders to build a college-bound culture; and

(3) to provide comprehensive services to improve the schoolwide postsecondary education enrollment rates of each of not less than ten local educational agencies and States, with the federally funded portion of each project declining by not less than 20 percent each year beginning in the second year of the comprehensive services, that—

(A) participated in the needs assessment described in paragraph (2); and

(B) demonstrated a willingness and commitment to improving the postsecondary education enrollment rates of the local educational agency or State, respectively.

(b) Grant recipient criteria

The recipient of the grant awarded under subsection (a) shall be a nonprofit organization with demonstrated expertise—

(1) in increasing schoolwide postsecondary enrollment rates in low-income communities nationwide by providing curriculum, training, and technical assistance to secondary school staff and student peer influencers; and

(2) in a postsecondary education transition data management system.

(c) Authorization of appropriations

There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2009 and each of the five succeeding fiscal years.

(Pub. L. 89-329, title VIII, § 808, as added Pub. L. 110-315, title VIII, § 801, Aug. 14, 2008, 122 Stat. 3396; amended Pub. L. 111-39, title VIII, § 801(3), July 1, 2009, 123 Stat. 1955.)

AMENDMENTS

2009—Subsec. (a)(1). Pub. L. 111-39 substituted “section 1232g of this title (commonly known as the ‘Family Educational Rights and Privacy Act of 1974’)” for “the Family Education Rights and Privacy Act of 1974”.

EFFECTIVE DATE OF 2009 AMENDMENT

Amendment by Pub. L. 111-39 effective as if enacted on the date of enactment of Pub. L. 110-315 (Aug. 14, 2008), see section 3 of Pub. L. 111-39, set out as a note under section 1001 of this title.

PART I—EARLY CHILDHOOD EDUCATION PROFESSIONAL DEVELOPMENT AND CAREER TASK FORCE

§ 1161i. Purpose

The purposes of this part are—

(1) to improve the quality of the early childhood education workforce by creating a statewide early childhood education professional development and career task force for early childhood education program staff, directors, administrators, and faculty; and

(2) to create—

(A) a coherent system of core competencies, pathways to qualifications, credentials, degrees, quality assurances, access, and outreach, for early childhood education program staff, directors, administrators, and faculty that is linked to compensation commensurate with experience and qualifications;

(B) articulation agreements that enable early childhood education professionals to transition easily among degrees; and

(C) compensation initiatives for individuals working in an early childhood education program that reflect the individuals’ credentials, degrees, and experience.

(Pub. L. 89-329, title VIII, § 811, as added Pub. L. 110-315, title VIII, § 801, Aug. 14, 2008, 122 Stat. 3397.)

§ 1161i-1. Definition of early childhood education program

In this part, the term “early childhood education program” means—

(1) a Head Start program or an Early Head Start program carried out under the Head Start Act (42 U.S.C. 9831 et seq.), including a migrant or seasonal Head Start program or an Indian Head Start program;

(2) a State licensed or regulated child care program; or

(3) a State prekindergarten program or a program authorized under section 619 [20 U.S.C. 1419] or part C [20 U.S.C. 1431 et seq.] of the Individuals with Disabilities Education Act, that serves children from birth through age six and that addresses the children's cognitive (including language, early literacy, and pre-numeracy), social, emotional, and physical development.

(Pub. L. 89-329, title VIII, §812, as added Pub. L. 110-315, title VIII, §801, Aug. 14, 2008, 122 Stat. 3398.)

REFERENCES IN TEXT

The Head Start Act, referred to in par. (1), is subchapter B (§635 et seq.) of chapter 8 of subtitle A of title VI of Pub. L. 97-35, Aug. 13, 1981, 95 Stat. 499, which is classified generally to subchapter II (§9831 et seq.) of chapter 105 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 9801 of Title 42 and Tables.

The Individuals with Disabilities Education Act, referred to in par. (3), is title VI of Pub. L. 91-230, Apr. 13, 1970, 84 Stat. 175. Part C of the Act is classified generally to subchapter III (§1431 et seq.) of chapter 33 of this title. For complete classification of this Act to the Code, see section 1400 of this title and Tables.

§ 1161i-2. Grants authorized

(a) In general

From the amounts appropriated under section 1161i-7 of this title, the Secretary is authorized to award grants to States in accordance with the provisions of this part to enable such States—

(1) to establish a State Task Force described in section 1161i-3 of this title; and

(2) to support activities of the State Task Force described in section 1161i-4 of this title.

(b) Competitive basis

Grants under this part shall be awarded on a competitive basis.

(c) Equitable geographic distribution

In awarding grants under this part, the Secretary shall take into consideration providing an equitable geographic distribution of such grants.

(d) Duration

Grants under this part shall be awarded for a period of five years.

(Pub. L. 89-329, title VIII, §813, as added Pub. L. 110-315, title VIII, §801, Aug. 14, 2008, 122 Stat. 3398.)

§ 1161i-3. State Task Force establishment

(a) State Task Force established

The Governor of a State receiving a grant under this part shall establish, or designate an existing entity to serve as, the State Early Childhood Education Professional Development and Career Task Force (hereafter in this part referred to as the "State Task Force").

(b) Membership

The State Task Force shall include a representative of a State agency, an institution of

higher education (including an associate or a baccalaureate degree granting institution of higher education), an early childhood education program, a nonprofit early childhood organization, a statewide early childhood workforce scholarship or supplemental initiative, the State Head Start collaboration director, and any other entity or individual the Governor determines appropriate.

(Pub. L. 89-329, title VIII, §814, as added Pub. L. 110-315, title VIII, §801, Aug. 14, 2008, 122 Stat. 3398.)

§ 1161i-4. State Task Force activities

(a) Activities

The State Task Force shall—

(1) coordinate and communicate regularly with the State Advisory Council on Early Care and Education (hereafter in this part referred to as "State Advisory Council") or a similar State entity charged with creating a comprehensive system of early care and education in the State, for the purposes of—

(A) integrating recommendations for early childhood professional development and career activities into the plans of the State Advisory Council; and

(B) assisting in the implementation of professional development and career activities that are consistent with the plans described in subparagraph (A);

(2) conduct a review of opportunities for and barriers to high-quality professional development, training, and higher education degree programs, in early childhood development and learning, including a periodic statewide survey concerning the demographics of individuals working in early childhood education programs in the State, which survey shall include information disaggregated by—

(A) race, gender, and ethnicity;

(B) compensation levels;

(C) type of early childhood education program setting;

(D) specialized knowledge of child development;

(E) years of experience in an early childhood education program;

(F) attainment of—

(i) academic credit for coursework;

(ii) an academic degree;

(iii) a credential;

(iv) licensure; or

(v) certification in early childhood education; and

(G) specialized knowledge in the education of children with limited English proficiency and students with disabilities; and

(3) develop a plan for a comprehensive statewide professional development and career system for individuals working in early childhood education programs or for early childhood education providers, which plan may include—

(A) methods of providing outreach to early childhood education program staff, directors, and administrators, including methods for how outreach is provided to non-English speaking providers, in order to enable the providers to be aware of opportunities and resources under the statewide plan;

(B) developing a unified data collection and dissemination system for early childhood education training, professional development, and higher education programs;

(C) increasing the participation of early childhood educators in high-quality training and professional development by assisting in paying the costs of enrollment in and completion of such training and professional development courses;

(D) increasing the participation of early childhood educators in undergraduate and graduate education programs leading to degrees in early childhood education by providing assistance to pay the costs of enrollment in and completion of such programs, which assistance—

(i) shall only be provided to an individual who—

(I) in the case of an individual pursuing an undergraduate or graduate degree, enters into an agreement under which the individual agrees to work, for a reasonable number of years after receiving such a degree, in an early childhood education program that is located in a low-income area; and

(II) has a family income equal to or less than the annually adjusted national median family income as determined by the Bureau of the Census; and

(ii) shall be provided in an amount that does not exceed \$17,500;

(E) supporting professional development activities and a career lattice for a variety of early childhood professional roles with varying professional qualifications and responsibilities for early childhood education personnel, including strategies to enhance the compensation of such personnel;

(F) supporting articulation agreements between two- and four-year public and private institutions of higher education and mechanisms to transform other training, professional development, and experience into academic credit;

(G) developing mentoring and coaching programs to support new educators in and directors of early childhood education programs;

(H) providing career development advising with respect to the field of early childhood education, including informing an individual regarding—

(i) entry into and continuing education requirements for professional roles in the field;

(ii) available financial assistance for postsecondary education; and

(iii) professional development and career advancement in the field;

(I) enhancing the capacity and quality of faculty and coursework in postsecondary programs that lead to an associate, baccalaureate, or graduate degree in early childhood education;

(J) consideration of the availability of online graduate level professional development offered by institutions of higher education with experience and demonstrated expertise

in establishing programs in child development, in order to improve the skills and expertise of individuals working in early childhood education programs; and

(K) developing or enhancing a system of quality assurance with respect to the early childhood education professional development and career system, including standards or qualifications for individuals and entities who offer training and professional development in early childhood education.

(b) Public hearings

The State Task Force shall hold public hearings and provide an opportunity for public comment on the activities described in the statewide plan described in subsection (a)(3).

(c) Periodic review

The State Task Force shall meet periodically to review implementation of the statewide plan and to recommend any changes to the statewide plan the State Task Force determines necessary.

(Pub. L. 89-329, title VIII, §815, as added Pub. L. 110-315, title VIII, §801, Aug. 14, 2008, 122 Stat. 3398.)

§ 1161i-5. State application and report

(a) In general

Each State desiring a grant under this part shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require. Each such application shall include a description of—

(1) the membership of the State Task Force;

(2) the activities for which the grant assistance will be used;

(3) other Federal, State, local, and private resources that will be available to support the activities of the State Task Force described in section 1161i-4 of this title;

(4) the availability within the State of training, early childhood educator preparation, professional development, compensation initiatives, and career systems, related to early childhood education; and

(5) the resources available within the State for such training, educator preparation, professional development, compensation initiatives, and career systems.

(b) Report to the Secretary

Not later than two years after receiving a grant under this part, a State shall submit a report to the Secretary that shall describe—

(1) other Federal, State, local, and private resources that will be used in combination with a grant under this section to develop or expand the State's early childhood education professional development and career activities;

(2) the ways in which the State Advisory Council (or similar State entity) will coordinate the various State and local activities that support the early childhood education professional development and career system; and

(3) the ways in which the State Task Force will use funds provided under this part and

carry out the activities described in section 1161i-4 of this title.

(Pub. L. 89-329, title VIII, §816, as added Pub. L. 110-315, title VIII, §801, Aug. 14, 2008, 122 Stat. 3401.)

§ 1161i-6. Evaluations

(a) State evaluation

Each State receiving a grant under this part shall—

(1) evaluate the activities that are assisted under this part in order to determine—

(A) the effectiveness of the activities in achieving State goals;

(B) the impact of a career lattice for individuals working in early childhood education programs;

(C) the impact of the activities on licensing or regulating requirements for individuals in the field of early childhood development;

(D) the impact of the activities, and the impact of the statewide plan described in section 1161i-4(a)(3) of this title, on the quality of education, professional development, and training related to early childhood education programs that are offered in the State;

(E) the change in compensation and retention of individuals working in early childhood education programs within the State resulting from the activities; and

(F) the impact of the activities on the demographic characteristics of individuals working in early childhood education programs; and

(2) submit a report at the end of the grant period to the Secretary regarding the evaluation described in paragraph (1).

(b) Secretary's evaluation

Not later than September 30, 2013, the Secretary, in consultation with the Secretary of Health and Human Services, shall prepare and submit to the authorizing committees an evaluation of the State reports submitted under subsection (a)(2).

(Pub. L. 89-329, title VIII, §817, as added Pub. L. 110-315, title VIII, §801, Aug. 14, 2008, 122 Stat. 3401.)

§ 1161i-7. Authorization of appropriations

There are authorized to be appropriated to carry out this part such sums as may be necessary for fiscal year 2009 and each of the five succeeding fiscal years.

(Pub. L. 89-329, title VIII, §818, as added Pub. L. 110-315, title VIII, §801, Aug. 14, 2008, 122 Stat. 3402.)

PART J—IMPROVING SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS EDUCATION WITH A FOCUS ON ALASKA NATIVE AND NATIVE HAWAIIAN STUDENTS

§ 1161j. Improving science, technology, engineering, and mathematics education with a focus on Alaska Native and Native Hawaiian students

(a) Purpose

The purposes of this section are—

(1) to develop or expand programs for the development of professionals in the fields of science, technology, engineering, and mathematics; and

(2) to focus resources on meeting the educational and cultural needs of Alaska Natives and Native Hawaiians.

(b) Definitions

In this section:

(1) Alaska Native

The term “Alaska Native” has the meaning given such term in section 7546 of this title.

(2) Eligible partnership

The term “eligible partnership” means a partnership that includes—

(A) one or more colleges, schools, or departments of engineering;

(B) one or more colleges of science or mathematics;

(C) one or more institutions of higher education that offer two-year degrees; and

(D) one or more private entities that—

(i) conduct career awareness activities showcasing local technology professionals;

(ii) encourage students to pursue education in science, technology, engineering, and mathematics from elementary school through postsecondary education, and careers in those fields, with the assistance of local technology professionals;

(iii) develop internships, apprenticeships, and mentoring programs in partnership with relevant industries; and

(iv) assist with placement of interns and apprentices.

(3) Institution of higher education

The term “institution of higher education” has the meaning given such term in section 1001(a) of this title.

(4) Native Hawaiian

The term “Native Hawaiian” has the meaning given the term in section 7517 of this title.

(c) Grant authorized

From the amounts appropriated to carry out this section under subsection (i), the Secretary is authorized to award a grant to an eligible partnership to enable the eligible partnership to expand programs for the development of science, technology, engineering, or mathematics professionals, from elementary school through postsecondary education, including existing programs for Alaska Native and Native Hawaiian students.

(d) Uses of funds

Grant funds under this section shall be used for one or more of the following:

(1) Development or implementation of cultural, social, or educational transition programs to assist students to transition into college life and academics in order to increase such students' retention rates in the fields of science, technology, engineering, or mathematics, with a focus on Alaska Native or Native Hawaiian students.

(2) Development or implementation of academic support or supplemental educational

programs to increase the graduation rates of students in the fields of science, technology, engineering, or mathematics, with a focus on Alaska Native and Native Hawaiian students.

(3) Development or implementation of internship programs, carried out in coordination with educational institutions and private entities, to prepare students for careers in the fields of science, technology, engineering, or mathematics, with a focus on programs that serve Alaska Native or Native Hawaiian students.

(4) Such other activities as are consistent with the purpose of this section.

(e) Application

Each eligible partnership that desires a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(f) Priority

In awarding grants under this section, the Secretary shall give priority to an eligible partnership that, on the day before August 14, 2008, provides one or more programs in which 30 percent or more of the program participants are Alaska Native or Native Hawaiian.

(g) Period of grant

A grant under this section shall be awarded for a period of five years.

(h) Evaluation and report

Each eligible partnership that receives a grant under this section shall conduct an evaluation to determine the effectiveness of the programs funded under the grant and shall provide a report regarding the evaluation to the Secretary not later than six months after the end of the grant period.

(i) Authorization of appropriations

There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2009 and each of the five succeeding fiscal years.

(Pub. L. 89-329, title VIII, §819, as added Pub. L. 110-315, title VIII, §801, Aug. 14, 2008, 122 Stat. 3402; amended Pub. L. 111-39, title VIII, §801(4), July 1, 2009, 123 Stat. 1955.)

AMENDMENTS

2009—Subsec. (b)(3). Pub. L. 111-39 inserted period at end.

EFFECTIVE DATE OF 2009 AMENDMENT

Amendment by Pub. L. 111-39 effective as if enacted on the date of enactment of Pub. L. 110-315 (Aug. 14, 2008), see section 3 of Pub. L. 111-39, set out as a note under section 1001 of this title.

PART K—PILOT PROGRAMS TO INCREASE COLLEGE PERSISTENCE AND SUCCESS

§ 1161k. Pilot programs to increase college persistence and success

(a) Grants authorized

From the amounts appropriated under subsection (i), the Secretary is authorized to award grants in accordance with this section, on a

competitive basis, to eligible institutions to enable the institutions to develop programs to increase the persistence and success of low-income college students.

(b) Applications

(1) In general

An eligible institution seeking a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. An eligible institution may submit an application to receive a grant under subsection (c) or (d) or both.

(2) Evaluation condition

Each eligible institution seeking a grant under this section shall agree to participate in the evaluation described in subsection (f).

(3) Priority for replication of evidence-based policies and practices

In awarding grants for the program under subsection (d), the Secretary shall give priority to applications submitted by eligible institutions that propose to replicate policies and practices that have proven effective in increasing persistence and degree completion by low-income students or students in need of developmental education.

(c) Pilot program to increase persistence and success in community colleges

(1) Definitions

In this subsection:

(A) Eligible institution

The term “eligible institution” means an institution of higher education, as defined in section 1001 of this title, that provides a one- or two-year program of study leading to a degree or certificate.

(B) Eligible student

The term “eligible student” means a student who—

- (i) is eligible to receive assistance under section 1070a of this title;
- (ii) is enrolled at least half-time;
- (iii) is not younger than age 19;
- (iv) is the parent of at least one dependent child, which dependent child is age 18 or younger;
- (v) has a secondary school diploma or its recognized equivalent; and
- (vi) does not have a degree or certificate from an institution of higher education.

(2) Uses of funds

(A) Support

The Secretary shall award grants under this subsection to eligible institutions to enable such institutions to provide additional monetary and nonmonetary support to eligible students to enable the eligible students to maintain enrollment and complete degree or certificate programs.

(B) Required uses

Each eligible institution receiving a grant under this subsection shall use the grant funds—

- (i) to provide scholarships in accordance with paragraph (3); and

(ii) to provide counseling services in accordance with paragraph (4).

(C) Allowable uses of funds

Grant funds provided under this subsection may be used—

(i) to conduct outreach to make students aware of the scholarships and counseling services available under this subsection and to encourage the students to participate in the program assisted under this subsection; and

(ii) to provide incentives of \$20 or less to applicants who complete the process of applying for assistance under this subsection, as compensation for the student's time.

(3) Scholarship requirements

(A) In general

Each scholarship awarded under this subsection shall—

(i) be awarded for one academic year consisting of two semesters or the equivalent;

(ii) require the student to maintain, during the scholarship period, at least half-time enrollment and at least a 2.0 grade point average or the equivalent;

(iii) be awarded in the amount of \$1,000 for each of two semesters (prorated for quarters or other equivalents), or \$2,000 for an academic year;

(iv) not exceed the student's cost of attendance, as defined in section 10877 of this title; and

(v) be paid, for each of the two semesters, in increments of—

(I) \$250 upon enrollment (prorated for quarters or other equivalents);

(II) \$250 upon passing midterm examinations or comparable assessments (prorated for quarters or other equivalents); and

(III) \$500 upon passing courses (prorated for quarters or other equivalents).

(B) Number

An eligible institution may award an eligible student not more than two scholarships under this subsection.

(4) Counseling services

(A) In general

Each eligible institution receiving a grant under this subsection shall use the grant funds to provide students at the institution with a counseling staff dedicated to students participating in the program under this subsection. Each such counselor shall—

(i) have a caseload of less than 125 students;

(ii) use a proactive, team-oriented approach to counseling;

(iii) hold a minimum of two meetings with each student each semester; and

(iv) provide referrals to and follow-up with other student services staff, including financial aid and career services.

(B) Counseling services availability

The counseling services provided under this subsection shall be available to partici-

pating students during the daytime and evening hours.

(d) Student success grant pilot program

(1) Definitions

(A) Eligible institution

In this subsection, the term “eligible institution” means an institution of higher education in which, during the three-year period preceding the year in which the institution is applying for a grant under this subsection, an average of not less than 50 percent of the institution's entering first-year students are assessed as needing developmental courses to bring reading, writing, or mathematics skills up to college level.

(B) Eligible student

In this subsection, the term “eligible student” means a student who—

(i) is eligible to receive assistance under section 1070a of this title;

(ii) is a first-year student at the time of entering the program;

(iii) is assessed as needing developmental education to bring reading, writing, or mathematics skills up to college level; and

(iv) is selected by an eligible institution to participate in the program.

(2) Student success grant amount

The Secretary shall award grants under this subsection to eligible institutions in an amount equal to \$1,500 multiplied by the number of students the institution selects to participate in the program in such year. An institution shall not select more than 200 students to participate in the program under this subsection during such year.

(3) Required uses

An eligible institution that receives a grant under this subsection shall use the grant funds to assign a student success coach to each first-year student participating in the program to provide intensive career and academic advising, ongoing personal help in navigating college services (such as financial aid and registration), and assistance in connecting to community resources that can help students overcome family and personal challenges to success. Student success coaches—

(A) shall work with not more than 50 new students during any academic period;

(B) may be employees of academic departments, student services offices, community-based organizations, or other entities as determined appropriate by the institution; and

(C) shall meet with each eligible student selected for the program before registration for courses.

(4) Allowable uses

An eligible institution that receives a grant under this subsection may use the grant funds to provide services and program innovations for students participating in the program, including the following:

(A) College and career success courses provided at no charge to participating students. These courses may cover college success topics, including how to take notes, how to

study, how to take tests, and how to budget time, and may also include a substantial career exploration component. Institutions may use such courses to help students develop a college and career success plan, so that by the end of the first semester the students have a clear sense of their career goals and what classes to take to achieve such goals.

(B) Work-study jobs with private employers in the students' fields of study.

(C) Learning communities that ensure that students participating in the program are clustered together for at least two courses beginning in the first semester after enrolling and have other opportunities to create and maintain bonds that allow them to provide academic and social support to each other.

(D) Curricular redesign, which may include such innovations as blended or accelerated remediation classes that help student success grant recipients to attain college-level reading, writing, or math skills (or a combination thereof) more rapidly than traditional remediation formats allow, and intensive skills refresher classes, offered prior to each semester, to help students who have tested into remedial coursework to reach entry level assessment scores for the post-secondary programs they wish to enter.

(E) Instructional support, such as learning labs, supplemental instruction, and tutoring.

(F) Assistance with support services, such as child care and transportation.

(5) Required non-Federal share

Each institution participating in the program under this subsection shall provide a non-Federal share of 25 percent of the amount of the grant to carry out the activities of the program. The non-Federal share under this subsection may be provided in cash or in kind.

(e) Period of grant

The Secretary may award a grant under subsection (c) or (d) of this section for a period of five years.

(f) Technical assistance and evaluation

(1) Contractor

From the funds appropriated under this section, the Secretary shall enter into a contract with one or more private, nonprofit entities to provide technical assistance to grantees and to conduct the evaluations required under paragraph (3).

(2) Evaluations

The evaluations required under paragraph (3) shall be conducted by entities that are capable of designing and carrying out independent evaluations that identify the impact of the activities carried out by eligible institutions under this section on improving persistence and success of student participants under this section.

(3) Conduct of evaluations

The Secretary shall conduct an evaluation of the impact of the persistence and success grant programs as follows:

(A) Program to increase persistence in community colleges

The evaluation of the program under subsection (c) shall be conducted using a random assignment research design with the following requirements:

(i) When students are recruited for the program, all students will be told about the program and the evaluation.

(ii) Baseline data will be collected from all applicants for assistance under subsection (c).

(iii) Students will be assigned randomly to two groups, which will consist of—

(I) a program group that will receive the scholarship and the additional counseling services; and

(II) a control group that will receive whatever regular financial aid and counseling services are available to all students at the institution of higher education.

(B) Student success grant program

Eligible institutions receiving a grant to carry out the program under subsection (d) shall work with the evaluator to track persistence and completion outcomes for students in such program, specifically the proportion of these students who take and complete developmental education courses, the proportion who take and complete college-level coursework, and the proportion who complete certificates and degrees. The data shall be broken down by gender, race, ethnicity, and age and the evaluator shall assist institutions in analyzing these data to compare program participants to comparable nonparticipants, using statistical techniques to control for differences in the groups.

(g) Report

The Secretary shall—

(1) provide a report to the authorizing committees that includes the evaluation and information on best practices and lessons learned during the pilot programs described in this section; and

(2) disseminate the report to the public by making the report available on the Department's website.

(h) Supplement not supplant

Funds made available under this section shall be used to supplement and not supplant other Federal, State, and local funds available to the institution to carrying out the activities described in subsections (c) and (d).

(i) Authorization of appropriations

There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2009 and each of the five succeeding fiscal years. The Secretary may use not more than two percent of the amounts appropriated to provide the technical assistance and conduct the evaluations required under subsection (f).

(Pub. L. 89-329, title VIII, §820, as added Pub. L. 110-315, title VIII, §801, Aug. 14, 2008, 122 Stat. 3404; amended Pub. L. 111-39, title VIII, §801(5), July 1, 2009, 123 Stat. 1955.)

AMENDMENTS

2009—Subsec. (d)(5). Pub. L. 111-39, § 801(5)(A), inserted “the” before “grant”.

Subsec. (f)(2). Pub. L. 111-39, § 801(5)(B), substituted “section” for “subpart” in two places.

Subsec. (h). Pub. L. 111-39, § 801(5)(C), substituted “used” for “use”.

EFFECTIVE DATE OF 2009 AMENDMENT

Amendment by Pub. L. 111-39 effective as if enacted on the date of enactment of Pub. L. 110-315 (Aug. 14, 2008), see section 3 of Pub. L. 111-39, set out as a note under section 1001 of this title.

PART L—STUDENT SAFETY AND CAMPUS
EMERGENCY MANAGEMENT**§ 1161I. Student safety and campus emergency management****(a) Grants authorized****(1) In general**

From the amounts appropriated under subsection (f), the Secretary is authorized to award grants, on a competitive basis, to institutions of higher education or consortia of institutions of higher education to enable institutions of higher education or consortia to pay the Federal share of the cost of carrying out the authorized activities described in subsection (c).

(2) Consultation with the Attorney General and the Secretary of Homeland Security

Where appropriate, the Secretary shall award grants under this section in consultation with the Attorney General and the Secretary of Homeland Security.

(3) Duration

The Secretary shall award each grant under this section for a period of two years.

(4) Limitation on institutions and consortia

An institution of higher education or consortium shall be eligible for only one grant under this section.

(b) Federal share; non-Federal share**(1) In general**

The Federal share of the activities described in subsection (c) shall be 50 percent.

(2) Non-Federal share

An institution of higher education or consortium that receives a grant under this section shall provide the non-Federal share, which may be provided from State and local resources dedicated to emergency preparedness and response.

(c) Authorized activities

Each institution of higher education or consortium receiving a grant under this section may use the grant funds to carry out one or more of the following:

(1) Developing and implementing a state-of-the-art emergency communications system for each campus of an institution of higher education or consortium, in order to contact students via cellular, text message, or other state-of-the-art communications methods when a significant emergency or dangerous situation occurs. An institution or consortium

using grant funds to carry out this paragraph shall also, in coordination with the appropriate State and local emergency management authorities—

(A) develop procedures that students, employees, and others on a campus of an institution of higher education or consortium will be directed to follow in the event of a significant emergency or dangerous situation; and

(B) develop procedures the institution of higher education or consortium shall follow to inform, in a reasonable and timely manner, students, employees, and others on a campus in the event of a significant emergency or dangerous situation, which procedures shall include the emergency communications system described in this paragraph.

(2) Supporting measures to improve safety at the institution of higher education or consortium, such as—

(A) security assessments;

(B) security training of personnel and students at the institution of higher education or consortium;

(C) where appropriate, coordination of campus preparedness and response efforts with local law enforcement, local emergency management authorities, and other agencies, to improve coordinated responses in emergencies among such entities;

(D) establishing a hotline that allows a student or staff member at an institution or consortium to report another student or staff member at the institution or consortium who the reporting student or staff member believes may be a danger to the reported student or staff member or to others; and

(E) acquisition and installation of access control, video surveillance, intrusion detection, and perimeter security technologies and systems.

(3) Coordinating with appropriate local entities for the provision of mental health services for students and staff of the institution of higher education or consortium, including mental health crisis response and intervention services for students and staff affected by a campus or community emergency.

(d) Application

Each institution of higher education or consortium desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(e) Technical assistance

The Secretary shall coordinate technical assistance provided by State and local emergency management agencies, the Department of Homeland Security, and other agencies as appropriate, to institutions of higher education or consortia that request assistance in developing and implementing the activities assisted under this section.

(f) Authorization of appropriations

There are authorized to be appropriated to carry out this part such sums as may be nec-

essary for fiscal year 2009 and each of the five succeeding fiscal years.

(Pub. L. 89-329, title VIII, §821, as added Pub. L. 110-315, title VIII, §801, Aug. 14, 2008, 122 Stat. 3408; amended Pub. L. 111-39, title VIII, §801(6), July 1, 2009, 123 Stat. 1956.)

AMENDMENTS

2009—Subsec. (a)(1). Pub. L. 111-39, §801(6)(A), substituted “subsection (f)” for “subsection (g)”.

Subsec. (c)(1)(B). Pub. L. 111-39, §801(6)(B), substituted “in a reasonable” for “within a reasonable”.

EFFECTIVE DATE OF 2009 AMENDMENT

Amendment by Pub. L. 111-39 effective as if enacted on the date of enactment of Pub. L. 110-315 (Aug. 14, 2008), see section 3 of Pub. L. 111-39, set out as a note under section 1001 of this title.

§ 1161I-1. Model emergency response policies, procedures, and practices

The Secretary, in consultation with the Attorney General and the Secretary of Homeland Security, shall continue to—

- (1) advise institutions of higher education on model emergency response policies, procedures, and practices; and
- (2) disseminate information concerning those policies, procedures, and practices.

(Pub. L. 89-329, title VIII, §822, as added Pub. L. 110-315, title VIII, §801, Aug. 14, 2008, 122 Stat. 3410.)

§ 1161I-2. Preparation for future disasters plan by the Secretary

The Secretary shall continue to coordinate with the Secretary of Homeland Security and other appropriate agencies to develop and maintain procedures to address the preparedness, response, and recovery needs of institutions of higher education in the event of a natural or manmade disaster with respect to which the President has declared a major disaster or emergency (as such terms are defined in section 1161I-3 of this title).

(Pub. L. 89-329, title VIII, §823, as added Pub. L. 110-315, title VIII, §801, Aug. 14, 2008, 122 Stat. 3410.)

§ 1161I-3. Education Disaster and Emergency Relief Loan Program

(a) Program authorized

The Secretary, in consultation with the Secretary of Homeland Security, is authorized to establish an Education Disaster and Emergency Relief Loan Program for institutions of higher education impacted by a major disaster or emergency declared by the President.

(b) Use of assistance

The Secretary shall, subject to the availability of appropriations, provide loans under this section to institutions of higher education after the declaration of a major disaster or emergency by the President. Loan funds provided under this section may be used for construction, replacement, renovation, and operations costs resulting from a major disaster or emergency declared by the President.

(c) Application requirements

To be considered for a loan under this section, an institution of higher education shall—

(1) submit a financial statement and other appropriate data, documentation, or evidence requested by the Secretary that indicates that the institution incurred losses resulting from the impact of a major disaster or emergency declared by the President, and the monetary amount of such losses;

(2) demonstrate that the institution had appropriate insurance policies prior to the major disaster or emergency and filed claims, as appropriate, related to the major disaster or emergency; and

(3) demonstrate that the institution attempted to minimize the cost of any losses by pursuing collateral source compensation from the Federal Emergency Management Agency prior to seeking a loan under this section, except that an institution of higher education shall not be required to receive collateral source compensation from the Federal Emergency Management Agency prior to being eligible for a loan under this section.

(d) Audit

The Secretary may audit a financial statement submitted under subsection (c) and an institution of higher education shall provide any information that the Secretary determines necessary to conduct such an audit.

(e) Reduction in loan amounts

To determine the amount of a loan to make available to an institution of higher education under this section, the Secretary shall calculate the monetary amount of losses incurred by such institution as a result of a major disaster or emergency declared by the President, and shall reduce such amount by the amount of collateral source compensation the institution has already received from insurance, the Federal Emergency Management Agency, and the Small Business Administration.

(f) Establishment of loan program

Prior to disbursing any loans under this section, the Secretary shall prescribe regulations that establish the Education Disaster and Emergency Relief Loan Program, including—

- (1) terms for the loan program;
- (2) procedures for an application for a loan;
- (3) minimum requirements for the loan program and for receiving a loan, including—
 - (A) online forms to be used in submitting a request for a loan;
 - (B) information to be included in such forms; and
 - (C) procedures to assist in filing and pursuing a loan; and
- (4) any other terms and conditions the Secretary may prescribe after taking into consideration the structure of other existing capital financing loan programs under this chapter and part C of subchapter I of chapter 34 of title 42.

(g) Definitions

In this section:

(1) Institution affected by a Gulf hurricane disaster

The term “institution affected by a Gulf hurricane disaster” means an institution of higher education that—

(A) is located in an area affected by a Gulf hurricane disaster; and

(B) is able to demonstrate that the institution—

(i) incurred physical damage resulting from the impact of a Gulf hurricane disaster; and

(ii) was not able to fully reopen in existing facilities or to fully reopen to the pre-hurricane levels for 30 days or more on or after August 29, 2005.

(2) Area affected by a Gulf hurricane disaster; Gulf hurricane disaster

The terms “area affected by a Gulf hurricane disaster” and “Gulf hurricane disaster” have the meanings given such terms in section 209 of the Higher Education Hurricane Relief Act of 2005 (Public Law 109–148, 119 Stat. 2808).

(3) Emergency

The term “emergency” has the meaning given such term in section 5122(1) of title 42.

(4) Institutions of higher education

The term “institution of higher education” has the meaning given such term in section 1001 of this title.

(5) Major disaster

The term “major disaster” has the meaning given the term in section 5122(2) of title 42.

(h) Effective date

Loans provided to institutions of higher education pursuant to this section shall be available only with respect to major disasters or emergencies declared by the President that occur after August 14, 2008, except that loans may be provided pursuant to this section to an institution affected by a Gulf hurricane disaster with respect to such disaster.

(i) Authorization of appropriations

There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2009 and each of the five succeeding fiscal years.

(Pub. L. 89–329, title VIII, §824, as added Pub. L. 110–315, title VIII, §801, Aug. 14, 2008, 122 Stat. 3410; amended Pub. L. 111–39, title VIII, §801(7), July 1, 2009, 123 Stat. 1956.)

REFERENCES IN TEXT

Section 209 of the Higher Education Hurricane Relief Act of 2005, referred to in subsec. (g)(2), is section 209 of title IV of div. B of Pub. L. 109–148, 119 Stat. 2808, which is not classified to the Code.

AMENDMENTS

2009—Subsec. (f)(3)(A). Pub. L. 111–39, §801(7)(A), inserted “a” after “submitting”.

Subsec. (f)(3)(C). Pub. L. 111–39, §801(7)(B), substituted “pursuing” for “pursing”.

EFFECTIVE DATE OF 2009 AMENDMENT

Amendment by Pub. L. 111–39 effective as if enacted on the date of enactment of Pub. L. 110–315 (Aug. 14, 2008), see section 3 of Pub. L. 111–39, set out as a note under section 1001 of this title.

§ 1161I–4. Guidance on mental health disclosures for student safety

(a) Guidance

The Secretary shall continue to provide guidance that clarifies the role of institutions of

higher education with respect to the disclosure of education records, including to a parent or legal guardian of a dependent student, in the event that such student demonstrates that the student poses a significant risk of harm to himself or herself or to others, including a significant risk of suicide, homicide, or assault. Such guidance shall further clarify that an institution of higher education that, in good faith, discloses education records or other information in accordance with the requirements of this chapter and part C of subchapter I of chapter 34 of title 42 and section 1232g of this title (commonly known as the “Family Educational Rights and Privacy Act of 1974”) shall not be liable to any person for that disclosure.

(b) Information to Congress

The Secretary shall provide an update to the authorizing committees on the Secretary’s activities under subsection (a) not later than 180 days after August 14, 2008.

(Pub. L. 89–329, title VIII, §825, as added Pub. L. 110–315, title VIII, §801, Aug. 14, 2008, 122 Stat. 3412; amended Pub. L. 111–39, title VIII, §801(8), July 1, 2009, 123 Stat. 1956.)

AMENDMENTS

2009—Subsec. (a). Pub. L. 111–39 substituted “commonly known as the ‘Family Educational Rights and Privacy Act of 1974’” for “the Family Educational Rights and Privacy Act of 1974”.

EFFECTIVE DATE OF 2009 AMENDMENT

Amendment by Pub. L. 111–39 effective as if enacted on the date of enactment of Pub. L. 110–315 (Aug. 14, 2008), see section 3 of Pub. L. 111–39, set out as a note under section 1001 of this title.

§ 1161I–5. Rule of construction

Nothing in this part shall be construed—

(1) to provide a private right of action to any person to enforce any provision of this section;

(2) to create a cause of action against any institution of higher education or any employee of the institution for any civil liability; or

(3) to affect section 1232g of this title (commonly known as the “Family Educational Rights and Privacy Act of 1974”) or the regulations issued under section 264 of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d–2 note).

(Pub. L. 89–329, title VIII, §826, as added Pub. L. 110–315, title VIII, §801, Aug. 14, 2008, 122 Stat. 3412; amended Pub. L. 111–39, title VIII, §801(9), July 1, 2009, 123 Stat. 1956.)

REFERENCES IN TEXT

Section 264 of the Health Insurance Portability and Accountability Act of 1996, referred to in par. (3), is section 264 of title II of Pub. L. 104–191, Aug. 21, 1996, 110 Stat. 2033, which is set out as a note under section 1320d–2 of Title 42, The Public Health and Welfare.

AMENDMENTS

2009—Par. (3). Pub. L. 111–39 substituted “commonly known as the ‘Family Educational Rights and Privacy Act of 1974’” for “the Family Educational Rights and Privacy Act of 1974”.

EFFECTIVE DATE OF 2009 AMENDMENT

Amendment by Pub. L. 111–39 effective as if enacted on the date of enactment of Pub. L. 110–315 (Aug. 14,

2008), see section 3 of Pub. L. 111-39, set out as a note under section 1001 of this title.

PART M—LOW TUITION

§ 1161m. Incentives and rewards for low tuition

(a) Rewards for low tuition

(1) Grants

From funds made available under subsection (e), the Secretary shall award grants to institutions of higher education that, for academic year 2009-2010 or any succeeding academic year—

(A) have an annual tuition and fee increase, expressed as a percentage change, for the most recent academic year for which satisfactory data is available, that is in the lowest 20 percent of such increases for each category described in subsection (b);

(B) are public institutions of higher education that have tuition and fees that are in the lowest quartile of institutions in each category described in subsection (b)(1), (b)(4), or (b)(7); or

(C) are public institutions of higher education that have a tuition and fee increase of less than \$600 for a first-time, full-time undergraduate student.

(2) Use of funds

Funds awarded to an institution of higher education under paragraph (1) shall be distributed by the institution in the form of need-based grant aid to students who are eligible for Federal Pell Grants, except that no student shall receive an amount under this section that would cause the amount of total financial aid received by such student to exceed the cost of attendance of the institution.

(b) Categories of institutions

The categories of institutions described in subsection (a) shall be the following:

(1) four-year public institutions of higher education;

(2) four-year private, nonprofit institutions of higher education;

(3) four-year private, for-profit institutions of higher education;

(4) two-year public institutions of higher education;

(5) two-year private, nonprofit institutions of higher education;

(6) two-year private, for-profit institutions of higher education;

(7) less than two-year public institutions of higher education;

(8) less than two-year private, nonprofit institutions of higher education; and

(9) less than two-year private, for-profit institutions of higher education.

(c) Rewards for guaranteed tuition

(1) Bonus

For each institution of higher education that the Secretary determines complies with the requirements of paragraph (2) or (3) of this subsection, the Secretary shall provide to such institution a bonus amount. Such institution shall award the bonus amount in the form of need-based aid first to students who are eligi-

ble for Federal Pell Grants who were in attendance at the institution during the award year that such institution satisfied the eligibility criteria for maintaining low tuition and fees, then to students who are eligible for Federal Pell Grants who were not in attendance at the institution during such award year.

(2) Four-year institutions

An institution of higher education that provides a program of instruction for which it awards a bachelor's degree complies with the requirements of this paragraph if—

(A) for a public institution of higher education, such institution's tuition and fees are in the lowest quartile of institutions in the same category as described under subsection (b); or

(B) for any institution of higher education, such institution guarantees that for any academic year (or the equivalent) beginning on or after July 1, 2009, and for each of the four succeeding continuous academic years, the tuition and fees charged to an undergraduate student will not exceed—

(i) for a public institution of higher education, \$600 per year for a full-time undergraduate student; or

(ii) for any other institution of higher education—

(I) the amount that the student was charged for an academic year at the time the student first enrolled in the institution of higher education, plus

(II) the percentage change in tuition and fees at the institution for the three most recent academic years for which data is available, multiplied by the amount determined under subclause (I).

(3) Less-than four-year institutions

An institution of higher education that does not provide a program of instruction for which it awards a bachelor's degree complies with the requirements of this paragraph if—

(A) for a public institution of higher education, such institution's tuition is in the lowest quartile of institutions in the same category as described under subsection (b); or

(B) for any institution of higher education, such institution guarantees that for any academic year (or the equivalent) beginning on or after July 1, 2009, and for each of the 1.5 succeeding continuous academic years, the tuition and fees charged to an undergraduate student will not exceed—

(i) for a public institution of higher education, \$600 per year for a full-time undergraduate student; or

(ii) for any other institution of higher education—

(I) the amount that the student was charged for an academic year at the time the student first enrolled in the institution of higher education, plus

(II) the percentage change in tuition and fees at the institution for the three most recent academic years for which data is available, multiplied by the amount determined under subclause (I).

(d) Definitions

In this section, the terms “tuition and fees” and “net price” have the meaning given to such terms in section 1015a of this title.

(e) Authorization

There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2009 and each of the five succeeding fiscal years.

(Pub. L. 89-329, title VIII, §830, as added Pub. L. 110-315, title VIII, §801, Aug. 14, 2008, 122 Stat. 3413; amended Pub. L. 111-39, title VIII, §801(10), July 1, 2009, 123 Stat. 1956.)

AMENDMENTS

2009—Subsec. (a)(1)(B). Pub. L. 111-39 substituted “of institutions” for “of for institutions”.

EFFECTIVE DATE OF 2009 AMENDMENT

Amendment by Pub. L. 111-39 effective as if enacted on the date of enactment of Pub. L. 110-315 (Aug. 14, 2008), see section 3 of Pub. L. 111-39, set out as a note under section 1001 of this title.

PART N—COOPERATIVE EDUCATION

§ 1161n. Statement of purpose; definition**(a) Purpose**

It is the purpose of this part to award grants to institutions of higher education or consortia of such institutions to encourage such institutions to develop and make available to their students work experience that will aid such students in future careers and will enable such students to support themselves financially while in school.

(b) Definition

In this part the term “cooperative education” means the provision of alternating or parallel periods of academic study and public or private employment to give students work experiences related to their academic or occupational objectives and an opportunity to earn the funds necessary for continuing and completing their education.

(Pub. L. 89-329, title VIII, §831, as added Pub. L. 110-315, title VIII, §801, Aug. 14, 2008, 122 Stat. 3415.)

§ 1161n-1. Reservations**(a) Reservations**

Of the amount appropriated to carry out this part in each fiscal year—

(1) not less than 50 percent shall be available for awarding grants to institutions of higher education and consortia of such institutions described in section 1161n-2(a)(1)(A) of this title for cooperative education under section 1161n-2 of this title;

(2) not less than 25 percent shall be available for awarding grants to institutions of higher education described in section 1161n-2(a)(1)(B) of this title for cooperative education under section 1161n-2 of this title;

(3) not to exceed 11 percent shall be available for demonstration projects under paragraph (1) of section 1161n-3(a) of this title;

(4) not to exceed 11 percent shall be available for training and resource centers under paragraph (2) of section 1161n-3(a) of this title; and

(5) not to exceed 3 percent shall be available for research under paragraph (3) of section 1161n-3(a) of this title.

(b) Availability of appropriations

Amounts appropriated under this part shall not be used for the payment of compensation of students for employment by employers participating in a program under this part.

(Pub. L. 89-329, title VIII, §832, as added Pub. L. 110-315, title VIII, §801, Aug. 14, 2008, 122 Stat. 3415.)

§ 1161n-2. Grants for cooperative education**(a) Grants authorized****(1) In general**

The Secretary is authorized, from the amount available to carry out this section under section 1161n-4 of this title in each fiscal year and in accordance with the provisions of this part—

(A) to award grants to institutions of higher education or consortia of such institutions that have not received a grant under this paragraph in the ten-year period preceding the date for which a grant under this section is requested to pay the Federal share of the cost of planning, establishing, expanding, or carrying out programs of cooperative education by such institutions or consortia of institutions; and

(B) to award grants to institutions of higher education that are operating an existing cooperative education program as determined by the Secretary to pay the Federal share of the cost of planning, establishing, expanding, or carrying out programs of cooperative education by such institutions.

(2) Program requirement

Cooperative education programs assisted under this section shall provide alternating or parallel periods of academic study and of public or private employment, giving students work experience related to their academic or occupational objectives and the opportunity to earn the funds necessary for continuing and completing their education.

(3) Amount of grants

(A) The amount of each grant awarded pursuant to paragraph (1)(A) to any institution of higher education or consortia of such institutions in any fiscal year shall not exceed \$500,000.

(B)(i) Except as provided in clauses (ii) and (iii), the Secretary shall award grants in each fiscal year to each institution of higher education described in paragraph (1)(B) that has an application approved under subsection (b) in an amount that bears the same ratio to the amount reserved pursuant to section 1161n-1(a)(2) of this title for such fiscal year as the number of unduplicated students placed in cooperative education jobs during the preceding fiscal year by such institution of higher education (other than cooperative education jobs under section 1161n-3 of this title and as determined by the Secretary) bears to the total number of all such students placed in such jobs during the preceding fiscal year by all such institutions.

(ii) No institution of higher education shall receive a grant pursuant to paragraph (1)(B) in any fiscal year in an amount that exceeds 25 percent of such institution's cooperative education program's personnel and operating budget for the preceding fiscal year.

(iii) The minimum annual grant amount that an institution of higher education is eligible to receive under paragraph (1)(B) is \$1,000 and the maximum annual grant amount is \$75,000.

(4) Limitation

The Secretary shall not award grants pursuant to subparagraphs (A) and (B) of paragraph (1) to the same institution of higher education or consortia of such institution in any one fiscal year.

(5) Uses

Grants awarded under paragraph (1)(B) shall be used exclusively—

(A) to expand the quality of and participation in a cooperative education program;

(B) for outreach to potential participants in new curricular areas; and

(C) for outreach to potential participants including underrepresented and nontraditional populations.

(b) Applications

Each institution of higher education or consortium of such institutions desiring to receive a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary shall prescribe. Each such application shall—

(1) set forth the program or activities for which a grant is authorized under this section;

(2) specify each portion of such program or activities which will be performed by a non-profit organization or institution other than the applicant, and the amount of grant funds to be used for such program or activities;

(3) provide that the applicant will expend, during the fiscal year for which the grant is awarded for the purpose of such program or activities, not less than the amount expended for such purpose during the previous fiscal year;

(4) describe the plans which the applicant will carry out to assure, and contain a formal statement of the institution's commitment that assures, that the applicant will continue the cooperative education program beyond the five-year period of Federal assistance described in subsection (c)(1) at a level that is not less than the total amount expended for such program during the first year such program was assisted under this section;

(5) provide that, in the case of an institution of higher education that provides a two-year program that is acceptable for full credit toward a bachelor's degree, the cooperative education program will be available to students who are certificate or associate degree candidates and who carry at least one-half of the normal full-time academic workload;

(6) provide that the applicant will—

(A) make such reports as may be necessary to ensure that the applicant is complying with the provisions of this section, including reports for the second and each succeeding

fiscal year for which the applicant receives a grant with respect to the impact of the cooperative education program in the previous fiscal year, including—

(i) the number of unduplicated student applicants in the cooperative education program;

(ii) the number of unduplicated students placed in cooperative education jobs;

(iii) the number of employers who have hired cooperative education students;

(iv) the income for students derived from working in cooperative education jobs; and

(v) the increase or decrease in the number of unduplicated students placed in cooperative education jobs in each fiscal year compared to the previous fiscal year; and

(B) keep such records as may be necessary to ensure that the applicant is complying with the provisions of this part, including the notation of cooperative education employment on the student's transcript;

(7) describe the extent to which programs in the academic disciplines for which the application is made have satisfactorily met the needs of public and private sector employers;

(8) describe the extent to which the institution is committed to extending cooperative education on an institution-wide basis for all students who can benefit;

(9) describe the plans that the applicant will carry out to evaluate the applicant's cooperative education program at the end of the grant period;

(10) provide for such fiscal control and fund accounting procedures as may be necessary to ensure proper disbursement of, and accounting for, Federal funds paid to the applicant under this part;

(11) demonstrate a commitment to serving underserved populations at the institution; and

(12) include such other information as may be necessary to carry out the provisions of this part.

(c) Duration of grants; Federal share

(1) Duration of grants

No individual institution of higher education may receive, individually or as a participant in a consortium of such institutions—

(A) a grant pursuant to subsection (a)(1)(A) for more than five fiscal years; or

(B) a grant pursuant to subsection (a)(1)(B) for more than five fiscal years.

(2) Federal share

The Federal share of a grant under subsection (a)(1)(A) may not exceed—

(A) 85 percent of the cost of carrying out the program or activities described in the application in the first year the applicant receives a grant under this section;

(B) 70 percent of such cost in the second such year;

(C) 55 percent of such cost in the third such year;

(D) 40 percent of such cost in the fourth such year; and

(E) 25 percent of such cost in the fifth such year.

(3) Special rule

Notwithstanding any other provision of law, the Secretary may not waive the provisions of paragraphs (1) and (2).

(d) Maintenance of effort

If the Secretary determines that a recipient of funds under this section has failed to maintain the fiscal effort described in subsection (b)(3), then the Secretary may elect not to make grant payments under this section to such recipient.

(e) Factors for special consideration of applications

(1) In general

In approving applications under this section, the Secretary shall give special consideration to applications from institutions of higher education or consortia of such institutions for programs that show the greatest promise of success based on—

(A) the extent to which programs in the academic discipline with respect to which the application is made have satisfactorily met the needs of public and private sector employers;

(B) the strength of the commitment of the institution of higher education or consortium of such institutions to cooperative education as demonstrated by the plans and formalized institutional commitment statement which such institution or consortium has made to continue the program after the termination of Federal financial assistance;

(C) the extent to which the institution or consortium of institutions is committed to extending cooperative education for students who can benefit; and

(D) such other factors as are consistent with the purpose of this part.

(2) Additional special consideration

The Secretary shall also give special consideration to applications from institutions of higher education or consortia of such institutions that demonstrate a commitment to serving underserved populations attending such institutions.

(Pub. L. 89-329, title VIII, §833, as added Pub. L. 110-315, title VIII, §801, Aug. 14, 2008, 122 Stat. 3415; amended Pub. L. 111-39, title VIII, §801(11), July 1, 2009, 123 Stat. 1956.)

AMENDMENTS

2009—Subsec. (e)(1). Pub. L. 111-39, §801(11)(A), substituted “based on” for “because of” in introductory provisions.

Subsec. (e)(1)(D). Pub. L. 111-39, §801(11)(B), substituted “purpose of this part” for “purposes of this section”.

EFFECTIVE DATE OF 2009 AMENDMENT

Amendment by Pub. L. 111-39 effective as if enacted on the date of enactment of Pub. L. 110-315 (Aug. 14, 2008), see section 3 of Pub. L. 111-39, set out as a note under section 1001 of this title.

§ 1161n-3. Demonstration and innovation projects; training and resource centers; and research

(a) Authorization

From the amounts appropriated under section 1161n-4 of this title, the Secretary is authorized, in accordance with the provisions of this section, to make grants and enter into contracts—

(1) from the amounts available in each fiscal year under section 1161n-1(a)(3) of this title, for the conduct of demonstration projects designed to demonstrate or determine the effectiveness of innovative methods of cooperative education;

(2) from the amounts available in each fiscal year under section 1161n-1(a)(4) of this title, for the conduct of training and resource centers designed to—

(A) train personnel in the field of cooperative education;

(B) improve materials used in cooperative education programs if such improvement is conducted in conjunction with other activities described in this paragraph;

(C) provide technical assistance to institutions of higher education to increase the potential of the institution to continue to conduct a cooperative education program without Federal assistance;

(D) encourage model cooperative education programs that furnish education and training in occupations in which there is a national need;

(E) support partnerships under which an institution carrying out a comprehensive cooperative education program joins with one or more institutions of higher education in order to—

(i) assist the institution that is not the institution carrying out the cooperative education program to develop and expand an existing program of cooperative education; or

(ii) establish and improve or expand comprehensive cooperative education programs; and

(F) encourage model cooperative education programs in the fields of science and mathematics for women and minorities who are underrepresented in such fields; and

(3) from the amounts available in each fiscal year under section 1161n-1(a)(5) of this title, for the conduct of research relating to cooperative education.

(b) Administrative provision

(1) In general

To carry out this section, the Secretary may—

(A) make grants to or contracts with institutions of higher education or consortia of such institutions; and

(B) make grants to or contracts with other public or private nonprofit agencies or organizations, whenever such grants or contracts will contribute to the objectives of this section.

(2) Limitation**(A) Contracts with institutions of higher education**

The Secretary may use not more than three percent of the amount appropriated to carry out this section in each fiscal year to enter into contracts described in paragraph (1)(A).

(B) Contracts with other agencies or organizations

The Secretary may use not more than three percent of the amount appropriated to carry out this section in each fiscal year to enter into contracts described in paragraph (1)(B).

(c) Supplement not supplant

A recipient of a grant or contract under this section may use the funds provided only to supplement funds made available from non-Federal sources to carry out the activities supported by such grant or contract, and in no case to supplant such funds from non-Federal sources.

(Pub. L. 89-329, title VIII, § 834, as added Pub. L. 110-315, title VIII, § 801, Aug. 14, 2008, 122 Stat. 3419.)

§ 1161n-4. Authorization of appropriations

There are authorized to be appropriated to carry out this part such sums as may be necessary for fiscal year 2009 and each of the five succeeding fiscal years.

(Pub. L. 89-329, title VIII, § 835, as added Pub. L. 110-315, title VIII, § 801, Aug. 14, 2008, 122 Stat. 3420.)

PART O—COLLEGE PARTNERSHIP GRANTS**§ 1161o. College partnership grants authorized****(a) Grants authorized**

From the amount appropriated to carry out this section, the Secretary shall award grants to eligible partnerships for the purposes of developing and implementing articulation agreements.

(b) Eligible partnerships

For purposes of this part, an eligible partnership shall include at least two institutions of higher education, or a system of institutions of higher education, and may include either or both of the following:

- (1) A consortia of institutions of higher education.
- (2) A State higher education agency.

(c) Priority

The Secretary shall give priority to eligible partnerships that—

- (1) are located in a State that has employed strategies described in section 1093a(b)(1) of this title; or
- (2) include—
 - (A) one or more junior or community colleges (as defined by section 1058(f) of this title) that award associate's degrees; and
 - (B) one or more institutions of higher education that offer a baccalaureate or post-baccalaureate degree not awarded by the institutions described in subparagraph (A) with which it is partnered.

(d) Mandatory use of funds

Grants awarded under this part shall be used for—

- (1) the development of policies and programs to expand opportunities for students to earn bachelor's degrees, by facilitating the transfer of academic credits between institutions and expanding articulation and guaranteed transfer agreements between institutions of higher education, including through common course numbering and general education core curriculum;
- (2) academic program enhancements; and
- (3) programs to identify and remove barriers that inhibit student transfers, including technological and informational programs.

(e) Optional use of funds

Grants awarded under this part may be used for—

- (1) support services to students participating in the program, such as tutoring, mentoring, and academic and personal counseling; and
- (2) any service that facilitates the transition of students between the partner institutions.

(f) Prohibition

No funds provided under this section shall be used to financially compensate an institution for the purposes of entering into an articulation agreement or for accepting students transferring into such institution.

(g) Applications

Any eligible partnership that desires to obtain a grant under this section shall submit to the Secretary an application at such time, in such manner, and containing such information or assurances as the Secretary may require.

(h) Definition

For purposes of this section, the term “articulation agreement” means an agreement between institutions of higher education that specifies the acceptability of courses in transfer toward meeting specific degree requirements.

(i) Authorization of appropriations

There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2009 and each of the five succeeding fiscal years.

(Pub. L. 89-329, title VIII, § 841, as added Pub. L. 110-315, title VIII, § 801, Aug. 14, 2008, 122 Stat. 3420; amended Pub. L. 111-39, title VIII, § 801(12), July 1, 2009, 123 Stat. 1956.)

AMENDMENTS

2009—Subsec. (c)(1). Pub. L. 111-39 substituted “1093a(b)(1)” for “1093a(d)”.

EFFECTIVE DATE OF 2009 AMENDMENT

Amendment by Pub. L. 111-39 effective as if enacted on the date of enactment of Pub. L. 110-315 (Aug. 14, 2008), see section 3 of Pub. L. 111-39, set out as a note under section 1001 of this title.

PART P—JOBS TO CAREERS**§ 1161p. Grants to create bridges from jobs to careers****(a) Purpose**

The purpose of this section is to provide grants on a competitive basis to institutions of

higher education for the purpose of improving developmental education to help students move more rapidly into for-credit occupational courses and into better jobs that may require a certificate or degree.

(b) Authorization of program

From amounts appropriated to carry out this section, the Secretary shall award grants, on a competitive basis, to institutions of higher education, as defined in section 1001(a) of this title, to create workforce bridge programs between developmental courses and for-credit courses in occupational certificate programs that are articulated to degree programs. Such workforce bridge programs shall focus on—

- (1) improving developmental education, including English language instruction, by customizing developmental education to student career goals; and
- (2) helping students move rapidly from developmental coursework into for-credit occupational courses and through program completion.

(c) Application

An institution of higher education desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

(d) Priorities

The Secretary shall give priority to applications that—

- (1) are from institutions of higher education in which not less than 50 percent of the institution's entering first-year students who are subject to mandatory assessment are assessed as needing developmental courses to bring reading, writing, or mathematics skills up to college level; and
- (2) propose to replicate practices that have proven effective with adults, or propose to collaborate with adult education providers.

(e) Required activity

An institution of higher education that receives a grant under this section shall use the grant funds to create workforce bridge programs to customize developmental education curricula, including English language instruction, to reflect the content of for-credit occupational certificate or degree programs, or clusters of such programs, in which developmental education students are enrolled or plan to enroll. Such workforce bridge programs shall integrate the curricula and the instruction of the developmental and college-level coursework.

(f) Permissible activities

An institution of higher education that receives a grant under this section may use the grant funds to carry out one or more of the following activities:

- (1) Designing and implementing innovative ways to improve retention in and completion of developmental education courses, including enrolling students in cohorts, accelerating course content, dually enrolling students in developmental and college-level courses, tutoring, providing counseling and other supportive services, and giving small, material incentives for attendance and performance.

(2) In consultation with faculty in the appropriate departments, reconfiguring courses offered on-site during standard academic terms for modular, compressed, or other alternative schedules, or for distance-learning formats, to meet the needs of working adults.

(3) Developing counseling strategies that address the needs of students in remedial education courses, and including counseling students on career options and the range of programs available, such as certificate programs that are articulated to degree programs and programs designed to facilitate transfer to four-year institutions of higher education.

(4) Improving the quality of teaching in remedial courses through professional development, reclassification of such teaching positions, or other means the institution of higher education determines appropriate.

(5) Any other activities the institution of higher education and the Secretary determine will promote retention of, and completion by, students attending institutions of higher education.

(g) Grant period

Grants made under this section shall be for a period of not less than three years and not more than five years.

(h) Technical assistance

The Secretary shall provide technical assistance to recipients of, and applicants for, grants under this section.

(i) Report and summary

Each institution of higher education that receives a grant under this section shall report to the Secretary on the effectiveness of the program in enabling students to move rapidly from developmental coursework into for-credit occupational courses and through program completion. The Secretary shall summarize the reports, identify best practices, and disseminate the information from such summary and identification to the public.

(j) Authorization of appropriations

There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2009 and each of the five succeeding fiscal years.

(Pub. L. 89-329, title VIII, §851, as added Pub. L. 110-315, title VIII, §801, Aug. 14, 2008, 122 Stat. 3421; amended Pub. L. 111-39, title VIII, §801(13), July 1, 2009, 123 Stat. 1956.)

AMENDMENTS

2009—Subsec. (j). Pub. L. 111-39 inserted “to be appropriated” after “authorized”.

EFFECTIVE DATE OF 2009 AMENDMENT

Amendment by Pub. L. 111-39 effective as if enacted on the date of enactment of Pub. L. 110-315 (Aug. 14, 2008), see section 3 of Pub. L. 111-39, set out as a note under section 1001 of this title.

PART Q—RURAL DEVELOPMENT GRANTS FOR RURAL-SERVING COLLEGES AND UNIVERSITIES

§ 1161q. Grants to rural-serving institutions of higher education

(a) Purposes

The purposes of this section are—

(1) to increase enrollment and graduation rates of secondary school graduates and non-traditional students from rural areas at two-year and four-year institutions of higher education, and their articulation from two-year degree programs into four-year degree programs; and

(2) to promote economic growth and development in rural America through partnership grants to consortia of rural-serving institutions of higher education, local educational agencies, and regional employers.

(b) Definitions

For the purposes of this section:

(1) Rural-serving institution of higher education

The term “rural-serving institution of higher education” means an institution of higher education that primarily serves rural areas.

(2) Rural area

The term “rural area” means an area that is defined, identified, or otherwise recognized as rural by a governmental agency of the State in which the area is located.

(3) Nontraditional student

The term “nontraditional student” means an individual who—

(A) delays enrollment in an institution of higher education by three or more years after secondary school graduation;

(B) attends an institution of higher education part-time; or

(C) attends an institution of higher education and—

(i) works full-time;

(ii) is an independent student, as defined in section 1087vv of this title;

(iii) has one or more dependents other than a spouse;

(iv) is a single parent; or

(v) does not have a secondary school diploma or the recognized equivalent of such a diploma.

(4) Regional employer

The term “regional employer” means an employer within a rural area.

(c) Partnership

(1) Required partners

A rural-serving institution of higher education, or a consortium of rural-serving institutions of higher education, that receives a grant under this section shall carry out the activities of the grant in partnership with—

(A) one or more local educational agencies serving a rural area; and

(B) one or more regional employers or local boards (as such term is defined in section 2801 of title 29) serving a rural area.

(2) Optional partners

A rural-serving institution of higher education, or a consortium of rural-serving institutions of higher education, that receives a grant under this section, may carry out the activities of the grant in partnership with—

(A) an educational service agency (as defined in section 7801 of this title); or

(B) a nonprofit organization with demonstrated expertise in rural education at the secondary and postsecondary levels.

(d) Grants authorized

(1) In general

From amounts made available under subsection (g), the Secretary is authorized to award grants, on a competitive basis, to eligible rural-serving institutions of higher education or a consortium of such institutions, to carry out the activities described in subsection (f).

(2) Duration

A grant awarded under this section shall be awarded for a period not to exceed three years.

(3) Maximum and minimum grants

No grant awarded under this section shall be less than \$200,000.

(4) Special considerations

In awarding grants under this section, the Secretary shall give special consideration to applications that demonstrate the most potential and propose the most promising and innovative approaches for—

(A) increasing the percentage of graduates of rural secondary schools attending rural-serving institutions of higher education;

(B) meeting the employment needs of regional employers with graduates of rural-serving institutions of higher education; and

(C) improving the health of the regional economy of a rural area through a partnership of local educational agencies serving the rural area, rural-serving institutions of higher education, and regional employers.

(5) Limitation

A rural-serving institution of higher education shall not receive more than one grant under this section.

(e) Applications

Each rural-serving institution of higher education desiring a grant under this section shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may reasonably require.

(f) Required use of funds

A rural-serving institution of higher education that receives a grant under this section shall use grant funds for at least three of the following four purposes:

(1) To improve postsecondary enrollment rates for rural secondary school students at rural-serving institutions of higher education, which may include—

(A) programs to provide students and families with counseling related to applying for postsecondary education, and Federal and State financial assistance for postsecondary education;

(B) programs that provide students and families of rural high schools access and exposure to campuses, classes, programs, and internships of rural-serving institutions of higher education, including covering the cost of transportation to and from such institutions; and

(C) other initiatives that assist students and families in applying for and developing interest in attending rural-serving institutions of higher education.

(2) To increase enrollment rates of nontraditional students in degree programs at rural-serving institutions of higher education, which may include—

(A) programs to provide nontraditional students with counseling related to applying for postsecondary education, and Federal and State financial assistance for postsecondary education;

(B) community outreach initiatives to encourage nontraditional students to enroll in a rural-serving institution of higher education; and

(C) programs to improve the enrollment of nontraditional students in two-year degree programs and the transition of nontraditional students articulating from two-year degree programs to four-year degree programs.

(3) To create or strengthen academic programs at rural-serving institutions of higher education to prepare graduates to enter into high-need occupations in the regional and local economies.

(4) To provide additional career training to students of rural-serving institutions of higher education in fields relevant to the regional economy.

(g) Authorization of appropriations

There are authorized to be appropriated to carry out this section such sums as many be necessary for fiscal year 2009 and each of the five succeeding fiscal years.

(Pub. L. 89-329, title VIII, §861, as added Pub. L. 110-315, title VIII, §801, Aug. 14, 2008, 122 Stat. 3423.)

PART R—CAMPUS-BASED DIGITAL THEFT PREVENTION

§ 1161r. Campus-based digital theft prevention

(a) Program authority

From the amounts appropriated under subsection (d), the Secretary may make grants to institutions of higher education, or consortia of such institutions, and enter into contracts with such institutions, consortia, and other organizations, to develop, implement, operate, improve, and disseminate programs of prevention, education, and cost-effective technological solutions, to reduce and eliminate the illegal downloading and distribution of intellectual property. Such grants or contracts may also be used for the support of higher education centers that will provide training, technical assistance, evaluation, dissemination, and associated services and assistance to the higher education community as determined by the Secretary and institutions of higher education.

(b) Awards

Grants and contracts shall be awarded under this section on a competitive basis.

(c) Applications

An institution of higher education or a consortium of such institutions that desires to receive

a grant or contract under this section shall submit an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require by regulation.

(d) Authorization of appropriations

There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2009 and each of the five succeeding fiscal years.

(Pub. L. 89-329, title VIII, §871, as added Pub. L. 110-315, title VIII, §801, Aug. 14, 2008, 122 Stat. 3425.)

PART S—TRAINING FOR REALTIME WRITERS

§ 1161s. Program to promote training and job placement of realtime writers

(a) Authorization of grant program

(1) In general

From the amounts appropriated to carry out this section, the Secretary shall award grants, on a competitive basis, to eligible entities under paragraph (2) to promote training and placement of individuals, including individuals who have completed a court reporting training program, as realtime writers in order to meet the requirements for closed captioning of video programming set forth in section 613 of title 47 and the rules prescribed thereunder.

(2) Eligible entities

For purposes of this section, an eligible entity is a court reporting program that—

(A) has a curriculum capable of training realtime writers qualified to provide captioning services;

(B) is accredited by an accrediting agency or association recognized by the Secretary; and

(C) is participating in student aid programs under subchapter IV of this chapter and part C of subchapter I of chapter 34 of title 42.

(3) Priority in grants

In determining whether to make grants under this section, the Secretary shall give a priority to eligible entities that, as determined by the Secretary—

(A) possess the most substantial capability to increase their capacity to train realtime writers;

(B) demonstrate the most promising collaboration with educational institutions, businesses, labor organizations, or other community groups having the potential to train or provide job placement assistance to realtime writers; or

(C) propose the most promising and innovative approaches for initiating or expanding training or job placement assistance efforts with respect to realtime writers.

(4) Duration of grant

A grant under this section shall be for a period of up to five years.

(5) Maximum amount of grant

The amount of a grant provided under this subsection to an eligible entity may not exceed \$1,500,000 for the period of the grant.

(b) Application**(1) In general**

To receive a grant under subsection (a), an eligible entity shall submit an application to the Secretary at such time and in such manner as the Secretary may require. The application shall contain the information set forth under paragraph (2).

(2) Information

Information in the application of an eligible entity for a grant under subsection (a) shall include the following:

(A) A description of the training and assistance to be funded using the grant amount, including how such training and assistance will increase the number of realtime writers.

(B) A description of performance measures to be utilized to evaluate the progress of individuals receiving such training and assistance in matters relating to enrollment, completion of training, and job placement and retention.

(C) A description of the manner in which the eligible entity will ensure that recipients of scholarships, if any, funded by the grant will be employed and retained as realtime writers.

(D) A description of the manner in which the eligible entity intends to continue providing the training and assistance to be funded by the grant after the end of the grant period, including any partnerships or arrangements established for that purpose.

(E) A description of how the eligible entity will work with local boards (as defined in section 2801 of title 29) to ensure that training and assistance to be funded with the grant will further local workforce goals, including the creation of educational opportunities for individuals who are from economically disadvantaged backgrounds or are displaced workers.

(F) Additional information, if any, on the eligibility of the eligible entity for priority in the making of grants under subsection (a)(3).

(G) Such other information as the Secretary may require.

(c) Use of funds**(1) In general**

An eligible entity receiving a grant under subsection (a) shall use the grant amount for purposes relating to the recruitment, training and assistance, and job placement of individuals, including individuals who have completed a court reporting training program, as realtime writers, including—

(A) recruitment;

(B) subject to paragraph (2), the provision of scholarships;

(C) distance learning;

(D) further developing and implementing both English and Spanish curricula to more effectively train individuals in realtime writing skills, and education in the knowledge necessary for the delivery of high quality closed captioning services;

(E) mentoring students to ensure successful completion of the realtime training and providing assistance in job placement;

(F) encouraging individuals with disabilities to pursue a career in realtime writing; and

(G) the employment and payment of personnel for the purposes described in this paragraph.

(2) Scholarships**(A) Amount**

The amount of a scholarship under paragraph (1)(B) shall be based on the amount of need of the scholarship recipient for financial assistance, as determined in accordance with part E of subchapter IV.

(B) Agreement

Each recipient of a scholarship under paragraph (1)(B) shall enter into an agreement with the school in which the recipient is enrolled to provide realtime writing services for the purposes described in subsection (a)(1) for a period of time appropriate (as determined by the Secretary) for the amount of the scholarship received.

(C) Coursework and employment

The Secretary shall establish requirements for coursework and employment for recipients of scholarships under paragraph (1)(B), including requirements for repayment of scholarship amounts in the event of failure to meet such requirements for coursework and employment. The Secretary may waive, in whole or in part, the requirements for repayment of scholarship amounts on the basis of economic conditions which may affect the ability of scholarship recipients to find work as realtime writers.

(3) Administrative costs

The recipient of a grant under this section may not use more than five percent of the grant amount to pay administrative costs associated with activities funded by the grant. The Secretary shall use not more than five percent of the amount available for grants under this section in any fiscal year for administrative costs of the program.

(4) Supplement not supplant

Grant amounts under this section shall supplement and not supplant other Federal or non-Federal funds of the grant recipient for purposes of promoting the training and placement of individuals as realtime writers.

(d) Report**(1) In general**

Each eligible entity receiving a grant under subsection (a) shall submit to the Secretary, at the end of the grant period, a report on the activities of such entity with respect to the use of grant amounts during the grant period.

(2) Report information

Each report of an eligible entity under paragraph (1) shall include—

(A) an assessment by the entity of the effectiveness of activities carried out using such funds in increasing the number of realtime writers, using the performance measures submitted by the eligible entity in the application for the grant under subsection (b)(2); and

(B) a description of the best practices identified by the eligible entity for increasing the number of individuals who are trained, employed, and retained in employment as realtime writers.

(3) Summaries

The Secretary shall summarize the reports submitted under paragraph (2) and make such summary available on the Department's website.

(e) Authorization of appropriations

There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2009 and each of the five succeeding fiscal years.

(Pub. L. 89-329, title VIII, §872, as added Pub. L. 110-315, title VIII, §801, Aug. 14, 2008, 122 Stat. 3426.)

PART T—CENTERS OF EXCELLENCE FOR VETERAN STUDENT SUCCESS

§ 1161t. Model programs for Centers of Excellence for Veteran Student Success

(a) Purpose

It is the purpose of this section to encourage model programs to support veteran student success in postsecondary education by coordinating services to address the academic, financial, physical, and social needs of veteran students.

(b) Grants authorized

(1) In general

Subject to the availability of appropriations under subsection (f), the Secretary shall award grants to institutions of higher education to develop model programs to support veteran student success in postsecondary education.

(2) Grant period

A grant awarded under this section shall be awarded for a period of three years.

(c) Use of grants

(1) Required activities

An institution of higher education receiving a grant under this section shall use such grant to carry out a model program that includes—

(A) establishing a Center of Excellence for Veteran Student Success on the campus of the institution to provide a single point of contact to coordinate comprehensive support services for veteran students;

(B) establishing a veteran student support team, including representatives from the offices of the institution responsible for admissions, registration, financial aid, veterans benefits, academic advising, student health, personal or mental health counseling, career advising, disabilities services, and any other office of the institution that provides support to veteran students on campus;

(C) providing a coordinator whose primary responsibility is to coordinate the model program carried out under this section;

(D) monitoring the rates of veteran student enrollment, persistence, and completion; and

(E) developing a plan to sustain the Center of Excellence for Veteran Student Success after the grant period.

(2) Other authorized activities

An institution of higher education receiving a grant under this section may use such grant to carry out any of the following activities with respect to veteran students:

(A) Outreach and recruitment of such students.

(B) Supportive instructional services for such students, which may include—

(i) personal, academic, and career counseling, as an ongoing part of the program;

(ii) tutoring and academic skill-building instruction assistance, as needed; and

(iii) assistance with special admissions and transfer of credit from previous postsecondary education or experience.

(C) Assistance in obtaining student financial aid.

(D) Housing support for veteran students living in institutional facilities and commuting veteran students.

(E) Cultural events, academic programs, orientation programs, and other activities designed to ease the transition to campus life for veteran students.

(F) Support for veteran student organizations and veteran student support groups on campus.

(G) Coordination of academic advising and admissions counseling with military bases and national guard units in the area.

(H) Other support services the institution determines to be necessary to ensure the success of veterans in achieving educational and career goals.

(d) Application; selection

(1) Application

To be considered for a grant under this section, an institution of higher education shall submit to the Secretary an application at such time, in such manner, and accompanied by such information as the Secretary may require.

(2) Selection considerations

In awarding grants under this section, the Secretary shall consider—

(A) the number of veteran students enrolled at an institution of higher education; and

(B) the need for model programs to address the needs of veteran students at a wide range of institutions of higher education, including the need to provide—

(i) an equitable distribution of such grants to institutions of higher education of various types and sizes;

(ii) an equitable geographic distribution of such grants; and

(iii) an equitable distribution of such grants among rural and urban areas.

(e) Evaluation and accountability plan

The Secretary shall develop an evaluation and accountability plan for model programs funded under this section to objectively measure the impact of such programs, including a measure of

whether postsecondary education enrollment, persistence, and completion for veterans increases as a result of such programs.

(f) Authorization of appropriations

There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2009 and each of the five succeeding fiscal years.

(Pub. L. 89-329, title VIII, §873, as added Pub. L. 110-315, title VIII, §801, Aug. 14, 2008, 122 Stat. 3428.)

PART U—UNIVERSITY SUSTAINABILITY PROGRAMS

§ 1161u. Sustainability planning grants authorized

(a) Program authorized

(1) In general

From the amounts appropriated to carry out this section, the Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall make grants to eligible entities to establish sustainability programs to design and implement sustainability practices, including in the areas of energy management, greenhouse gas emissions reductions, green building, waste management, purchasing, transportation, and toxics management, and other aspects of sustainability that integrate campus operations with multidisciplinary academic programs and are applicable to the private and government sectors.

(2) Period of grant

The provision of payments under a grant under paragraph (1) shall extend over a period of not more than four fiscal years.

(3) Definition of eligible entity

For purposes of this part, the term “eligible entity” means—

- (A) an institution of higher education; or
- (B) a nonprofit consortium, association, alliance, or collaboration operating in partnership with one or more institutions of higher education that received funds for the implementation of work associated with sustainability programs under this part.

(b) Applications

(1) In general

To receive a grant under subsection (a)(1), an eligible entity shall submit an application to the Secretary at such time, in such form, and containing such information as the Secretary may reasonably require.

(2) Assurances

Such application shall include assurances that the eligible entity—

- (A) has developed a plan, including an evaluation component, for the program component established pursuant to subsection (c);
- (B) shall use Federal funds received from a grant under subsection (a) to supplement, not supplant, non-Federal funds that would otherwise be available for projects funded under this section;
- (C) shall provide, with respect to any fiscal year in which such entity receives funds

from a grant under subsection (a)(1), non-Federal funds or an in-kind contribution in an amount equal to 20 percent of funds from such grant, for the purpose of carrying out the program component established pursuant to subsection (c); and

(D) shall collaborate with business, government, and the nonprofit sectors in the development and implementation of its sustainability plan.

(c) Use of funds

(1) Individual institutions

Grants made under subsection (a) may be used by an eligible entity that is an individual institution of higher education for the following purposes:

(A) To develop and implement administrative and operations practices at an institution of higher education that test, model, and analyze principles of sustainability.

(B) To establish multidisciplinary education, research, and outreach programs at an institution of higher education that address the environmental, social, and economic dimensions of sustainability.

(C) To support research and teaching initiatives that focus on multidisciplinary and integrated environmental, economic, and social elements.

(D) To establish initiatives in the areas of energy management, greenhouse gas emissions reductions, green building, waste management, purchasing, toxics management, transportation, and other aspects of sustainability.

(E) To support student, faculty, and staff work at an institution of higher education to implement, research, and evaluate sustainable practices.

(F) To expand sustainability literacy on campus.

(G) To integrate sustainability curricula in all programs of instruction, particularly in business, architecture, technology, manufacturing, engineering, and science programs.

(2) Partnerships

Grants made under subsection (a) may be used by an eligible entity that is a nonprofit consortium, association, alliance, or collaboration operating in partnership with one or more institutions of higher education for the following purposes:

(A) To conduct faculty, staff and administrator training on the subjects of sustainability and institutional change.

(B) To compile, evaluate, and disseminate best practices, case studies, guidelines and standards regarding sustainability.

(C) To conduct efforts to engage external stakeholders such as business, alumni, and accrediting agencies in the process of building support for research, education, and technology development for sustainability.

(D) To conduct professional development programs for faculty in all disciplines to enable faculty to incorporate sustainability content in their courses.

(E) To create the analytical tools necessary for institutions of higher education to

assess and measure their individual progress toward fully sustainable campus operations and fully integrating sustainability into the curriculum.

(F) To develop educational benchmarks for institutions of higher education to determine the necessary rigor and effectiveness of academic sustainability programs.

(d) Reports

An eligible entity that receives a grant under subsection (a) shall submit to the Secretary, for each fiscal year in which the entity receives amounts from such grant, a report that describes the work conducted pursuant to subsection (c), research findings and publications, administrative savings experienced, and an evaluation of the program.

(e) Allocation requirement

The Secretary may not make grants under subsection (a) to any eligible entity in a total amount that is less than \$250,000 or more than \$2,000,000.

(f) Authorization of appropriations

There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2009 and each of the five succeeding fiscal years.

(Pub. L. 89-329, title VIII, §881, as added Pub. L. 110-315, title VIII, §801, Aug. 14, 2008, 122 Stat. 3430.)

PART V—MODELING AND SIMULATION PROGRAMS

§ 1161v. Modeling and simulation

(a) Purpose; definition

(1) Purpose

The purpose of this section is to promote the study of modeling and simulation at institutions of higher education, through the collaboration with new and existing programs, and specifically to promote the use of technology in such study through the creation of accurate models that can simulate processes or recreate real life, by—

(A) establishing a task force at the Department of Education to raise awareness of and define the study of modeling and simulation;

(B) providing grants to institutions of higher education to develop new modeling and simulation degree programs; and

(C) providing grants for institutions of higher education to enhance existing modeling and simulation degree programs.

(2) Definition

In this section, the term “modeling and simulation” means a field of study related to the application of computer science and mathematics to develop a level of understanding of the interaction of the parts of a system and of a system as a whole.

(b) Establishment of task force

(1) In general

Subject to the availability of appropriations, the Secretary shall establish a task force within the Department to study modeling and simulation and to support the development of

the modeling and simulation field. The activities of such task force shall include—

(A) helping to define the study of modeling and simulation (including the content of modeling and simulation classes and programs);

(B) identifying best practices for such study;

(C) identifying core knowledge and skills that individuals who participate in modeling and simulation programs should acquire; and

(D) providing recommendations to the Secretary with respect to—

(i) the information described in subparagraphs (A) through (C); and

(ii) a system by which grants under this section will be distributed.

(2) Task force membership

The membership of the task force under this subsection shall be composed of representatives from—

(A) institutions of higher education with established modeling and simulation degree programs;

(B) the National Science Foundation;

(C) Federal Government agencies that use modeling and simulation extensively, including the Department of Defense, the National Institutes of Health, the Department of Homeland Security, the Department of Health and Human Services, the Department of Energy, and the Department of Transportation;

(D) private industries with a primary focus on modeling and simulation;

(E) national modeling and simulation organizations; and

(F) the Office of Science and Technology Policy.

(c) Enhancing modeling and simulation at institutions of higher education

(1) Enhancement grants authorized

(A) In general

The Secretary is authorized to award grants, on a competitive basis, to eligible institutions to enhance modeling and simulation degree programs at such eligible institutions.

(B) Duration of grant

A grant awarded under this subsection shall be awarded for a three-year period, and such grant period may be extended for not more than two years if the Secretary determines that an eligible institution has demonstrated success in enhancing the modeling and simulation degree program at such eligible institution.

(C) Minimum grant amount

Subject to the availability of appropriations, a grant awarded to an eligible institution under this subsection shall not be less than \$750,000.

(D) Non-Federal share

Each eligible institution receiving a grant under this subsection shall provide, from non-Federal sources, in cash or in-kind, an

amount equal to 25 percent of the amount of the grant to carry out the activities supported by the grant. The Secretary may waive the non-Federal share requirement under this subparagraph for an eligible institution if the Secretary determines a waiver to be appropriate based on the financial ability of the institution.

(2) Eligible institutions

For the purposes of this subsection, an eligible institution is an institution of higher education that—

(A) has an established modeling and simulation degree program, including a major, minor, or career-track program; or

(B) has an established modeling and simulation certificate or concentration program.

(3) Application

To be considered for a grant under this subsection, an eligible institution shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require. Such application shall include—

(A) a letter from the president or provost of the eligible institution that demonstrates the institution's commitment to the enhancement of the modeling and simulation program at the institution of higher education;

(B) an identification of designated faculty responsible for the enhancement of the institution's modeling and simulation program; and

(C) a detailed plan for how the grant funds will be used to enhance the modeling and simulation program of the institution.

(4) Uses of funds

A grant awarded under this subsection shall be used by an eligible institution to carry out the plan developed in accordance with paragraph (3)(C) to enhance modeling and simulation programs at the institution, which may include—

(A) in the case of an institution that is eligible under paragraph (2)(B), activities to assist in the establishment of a major, minor, or career-track modeling and simulation program at the eligible institution;

(B) expanding the multidisciplinary nature of the institution's modeling and simulation programs;

(C) recruiting students into the field of modeling and simulation through the provision of fellowships or assistantships;

(D) creating new courses to complement existing courses and reflect emerging developments in the modeling and simulation field;

(E) conducting research to support new methodologies and techniques in modeling and simulation; and

(F) purchasing equipment necessary for modeling and simulation programs.

(d) Establishing modeling and simulation programs

(1) Establishment grants authorized

(A) In general

The Secretary is authorized to award grants to institutions of higher education to establish a modeling and simulation program, including a major, minor, career-track, certificate, or concentration program.

(B) Duration of grant

A grant awarded under this subsection shall be awarded for a three-year period, and such grant period may be extended for not more than two years if the Secretary determines that an eligible institution has demonstrated success in establishing a modeling and simulation degree program at such eligible institution.

(C) Minimum grant amount

Subject to the availability of appropriations, a grant awarded to an eligible institution under this subsection shall not be less than \$750,000.

(D) Non-Federal share

Each eligible institution receiving a grant under this subsection shall provide, from non-Federal sources, in cash or in-kind, an amount equal to 25 percent of the amount of the grant to carry out the activities supported by the grant. The Secretary may waive the non-Federal share requirement under this subparagraph for an eligible institution if the Secretary determines a waiver to be appropriate based on the financial ability of the institution.

(2) Application

To apply for a grant under this subsection, an eligible institution shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require. Such application shall include—

(A) a letter from the president or provost of the eligible institution that demonstrates the institution's commitment to the establishment of a modeling and simulation program at the institution of higher education;

(B) a detailed plan for how the grant funds will be used to establish a modeling and simulation program at the institution; and

(C) a description of how the modeling and simulation program established under this subsection will complement existing programs and fit into the institution's current program and course offerings.

(3) Uses of funds

A grant awarded under this subsection may be used by an eligible institution to—

(A) establish, or work toward the establishment of, a modeling and simulation program, including a major, minor, career-track, certificate, or concentration program at the eligible institution;

(B) provide adequate staffing to ensure the successful establishment of the modeling and simulation program, which may include the assignment of full-time dedicated or supportive faculty; and

(C) purchase equipment necessary for a modeling and simulation program.

(e) Authorization of appropriations

There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2009 and each of the five succeeding fiscal years. Of the amounts authorized to be appropriated for each fiscal year—

(1) \$1,000,000 is authorized to carry out the activities of the task force established pursuant to subsection (b); and

(2) of the amount remaining after the allocation for paragraph (1)—

(A) 50 percent is authorized to carry out the grant program under subsection (c); and

(B) 50 percent is authorized to carry out the grant program under subsection (d).

(Pub. L. 89-329, title VIII, §891, as added Pub. L. 110-315, title VIII, §801, Aug. 14, 2008, 122 Stat. 3432.)

PART W—PATH TO SUCCESS

§ 1161w. Path to success

(a) Purpose

The purpose of this section is to encourage community supported programs that—

(1) leverage and enhance community support for at-risk young adults by facilitating the transition of such young adults who are eligible individuals into productive learning environments where such young adults can obtain the life, social, academic, career, and technical skills and credentials necessary to strengthen the Nation's workforce;

(2) provide counseling, as appropriate, for eligible individuals participating in the programs to allow the eligible individuals to build a relationship with one or more guidance counselors during the period that the individuals are enrolled in the programs, including providing referrals and connections to community resources that help eligible individuals transition back into the community with the necessary life, social, academic, career, and technical skills after being in detention, or incarcerated, particularly resources related to health, housing, job training, and workplace readiness;

(3) provide training and education for eligible individuals participating in the programs, to allow such individuals to assist community officials and law enforcement agencies with the deterrence and prevention of gang and youth violence by participating in seminars, training, and workshops throughout the community; and

(4) provide each eligible individual participating in the programs with individual attention based on a curriculum that matches the interests and abilities of the individual to the resources of the program.

(b) Reentry education program

(1) Grant program established

From the amounts appropriated under subsection (g), the Secretary is authorized to award grants to community colleges to enter into and maintain partnerships with juvenile

detention centers and secure juvenile justice residential facilities to provide assistance, services, and education to eligible individuals who reenter the community and pursue, in accordance with the requirements of this section, at least one of the following:

(A) A certificate of completion for a specialized area of study, such as career and technical training and other alternative postsecondary educational programs.

(B) An associate's degree.

(2) Grant period

A grant awarded under this part shall be for one four-year period, and may be renewed for an additional period as the Secretary determines to be appropriate.

(3) Application

A community college desiring to receive a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary shall require. Such application shall include—

(A) an assessment of the existing community resources available to serve at-risk youth;

(B) a detailed description of the program and activities the community college will carry out with such grant; and

(C) a proposed budget describing how the community college will use the funds made available by such grant.

(4) Priority

In awarding grants under this part, the Secretary shall give priority to community colleges that propose to serve the highest number of priority individuals, and, among such community colleges, shall give priority to community colleges that the Secretary determines will best carry out the purposes of this part, based on the applications submitted in accordance with paragraph (3).

(c) Allowable uses of funds

A community college awarded a grant under this part may use such grant to—

(1) pay for tuition and transportation costs of eligible individuals;

(2) establish and carry out an education program that includes classes for eligible individuals that—

(A) provide marketable life and social skills to such individuals;

(B) meet the education program requirements under subsection (d), including as appropriate, courses necessary for the completion of a secondary school diploma or the recognized equivalent;

(C) promote the civic engagement of such individuals; and

(D) facilitate a smooth reentry of such individuals into the community;

(3) create and carry out a mentoring program that is—

(A) specifically designed to help eligible individuals with the potential challenges of the transitional period from detention to release;

(B) created in consultation with guidance counselors, academic advisors, law enforce-

ment officials, and other community resources; and

(C) administered by a program coordinator, selected and employed by the community college, who shall oversee each individual's development and shall serve as the immediate supervisor and reporting officer to whom the academic advisors, guidance counselors, and volunteers shall report regarding the progress of each such individual;

(4) facilitate employment opportunities for eligible individuals by entering into partnerships with public and private entities to provide opportunities for internships, apprenticeships, and permanent employment, as possible, for such individuals; and

(5) provide training for eligible individuals participating in the programs, to allow such individuals to assist community officials and law enforcement agencies with the deterrence and prevention of gang and youth violence by participating in seminars and workshop series throughout the community.

(d) Education program requirements

An education program established and carried out under subsection (c) shall—

(1) include classes that are required for completion of a certificate, diploma, or degree described in subparagraph (A) or (B) of subsection (b)(1), including as appropriate courses necessary for the completion of a secondary school diploma or the recognized equivalent;

(2) provide a variety of academic programs, with various completion requirements, to accommodate the diverse academic backgrounds, learning styles, and academic and career interests of the eligible individuals who participate in the education program;

(3) offer flexible academic programs that are designed to improve the academic development and achievement of eligible individuals, and to avoid high attrition rates for such individuals; and

(4) provide for a uniquely designed education plan for each eligible individual participating in the program, which shall require such individual to receive, at a minimum, a certificate or degree described in subparagraph (A) or (B) of subsection (b)(1) to successfully complete such program.

(e) Reports

Each community college awarded a grant under this part shall submit to the Secretary a report—

(1) documenting the results of the program carried out with such grant; and

(2) evaluating the effectiveness of activities carried out through such program.

(f) Definitions

In this section:

(1) Community college

The term “community college” has the meaning given the term “junior or community college” in section 1058(f) of this title.

(2) Eligible individual

The term “eligible individual” means an individual who—

(A) is 16 to 25 years of age (inclusive); and
(B)(i) has been convicted of a criminal offense; and

(ii) is detained in, or has been released from, a juvenile detention center or secure juvenile justice residential facility.

(3) Gang-related offense

(A) In general

The term “gang-related offense” means an offense that involves the circumstances described in subparagraph (B) and that is—

(i) a Federal or State felony involving a controlled substance (as defined in section 802 of title 21) for which the maximum penalty is not less than five years;

(ii) a Federal or State crime of violence that has as an element the use or attempted use of physical force against the person of another for which the maximum penalty is not less than six months; or

(iii) a conspiracy to commit an offense described in clause (i) or (ii).

(B) Circumstances

The circumstances described in this subparagraph are that the offense described in subparagraph (A) was committed by a person who—

(i) participates in a criminal street gang (as defined in section 521(a) of title 18) with knowledge that such gang's members engage in or have engaged in a continuing series of offenses described in subparagraph (A); and

(ii) intends to promote or further the felonious activities of the criminal street gang or maintain or increase the person's position in the gang.

(4) Priority individual

The term “priority individual” means an individual who—

(A) is an eligible individual;

(B) has been convicted of a gang-related offense; and

(C) has served or is serving a period of detention in a juvenile detention center or secure juvenile justice residential facility for such offense.

(5) Guidance counselor

The term “guidance counselor” means an individual who works with at-risk youth on a one-on-one basis, to establish a supportive relationship with such at-risk youth and to provide such at-risk youth with academic assistance and exposure to new experiences that enhance their ability to become responsible citizens.

(g) Authorization of appropriations

There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2009 and each of the five succeeding fiscal years.

(Pub. L. 89-329, title VIII, §892, as added Pub. L. 110-315, title VIII, §801, Aug. 14, 2008, 122 Stat. 3436.)

PART X—SCHOOL OF VETERINARY MEDICINE
COMPETITIVE GRANT PROGRAM

§ 1161x. School of veterinary medicine competitive grant program

(a) In general

From the amounts appropriated under subsection (g), the Secretary of Health and Human Services shall award competitive grants to eligible entities for the purpose of improving public health preparedness through increasing the number of veterinarians in the workforce.

(b) Eligible entities

To be eligible to receive a grant under subsection (a), an entity shall—

(1) be—

(A) a public or other nonprofit school of veterinary medicine that is accredited by a nationally recognized accrediting agency or association recognized by the Secretary of Education pursuant to part G of subchapter IV;

(B) a public or nonprofit, department of comparative medicine, department of veterinary science, school of public health, or school of medicine that is accredited by a nationally recognized accrediting agency or association recognized by the Secretary of Education pursuant to part G of subchapter IV and that offers graduate training for veterinarians in a public health practice area as determined by the Secretary of Health and Human Services; or

(C) a public or nonprofit entity that—

(i) conducts recognized residency training programs for veterinarians that are approved by a veterinary specialty organization that is recognized by the American Veterinary Medical Association; and

(ii) offers postgraduate training for veterinarians in a public health practice area as determined by the Secretary of Health and Human Services; and

(2) prepare and submit to the Secretary of Health and Human Services an application, at such time, in such manner, and containing such information as the Secretary of Health and Human Services may require.

(c) Consideration of applications

The Secretary of Health and Human Services shall establish procedures to ensure that applications under subsection (b)(2) are rigorously reviewed and that grants are competitively awarded based on—

(1) the ability of the applicant to increase the number of veterinarians who are trained in specified public health practice areas as determined by the Secretary of Health and Human Services;

(2) the ability of the applicant to increase capacity in research on high priority disease agents; or

(3) any other consideration the Secretary of Health and Human Services determines necessary.

(d) Preference

In awarding grants under subsection (a), the Secretary of Health and Human Services shall

give preference to applicants that demonstrate a comprehensive approach by involving more than one school of veterinary medicine, department of comparative medicine, department of veterinary science, school of public health, school of medicine, or residency training program that offers postgraduate training for veterinarians in a public health practice area as determined by the Secretary of Health and Human Services.

(e) Use of funds

Amounts received under a grant under this section shall be used by a grantee to increase the number of veterinarians in the workforce through paying costs associated with the expansion of academic programs at schools of veterinary medicine, departments of comparative medicine, departments of veterinary science, or entities offering residency training programs, or academic programs that offer postgraduate training for veterinarians or concurrent training for veterinary students in specific areas of specialization, which costs may include minor renovation and improvement in classrooms, libraries, and laboratories.

(f) Definition of public health practice area

In this section, the term “public health practice area” includes the areas of bioterrorism and emergency preparedness, environmental health, food safety and food security, regulatory medicine, diagnostic laboratory medicine, and biomedical research.

(g) Authorization of appropriations

There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2009 and each of the five succeeding fiscal years. Amounts appropriated under this subsection shall remain available until expended.

(Pub. L. 89-329, title VIII, §893, as added Pub. L. 110-315, title VIII, §801, Aug. 14, 2008, 122 Stat. 3439.)

PART Y—EARLY FEDERAL PELL GRANT
COMMITMENT DEMONSTRATION PROGRAM

§ 1161y. Early Federal Pell Grant Commitment Demonstration Program

(a) Demonstration program authority

(1) In general

The Secretary is authorized to carry out an Early Federal Pell Grant Commitment Demonstration Program under which—

(A) the Secretary awards grants to four State educational agencies, in accordance with paragraph (2), to pay the administrative expenses incurred in participating in the demonstration program under this section; and

(B) the Secretary awards Federal Pell Grants to participating students in accordance with this section and consistent with section 1070a of this title.

(2) Grants

(A) In general

From amounts appropriated under subsection (h) for a fiscal year, the Secretary is authorized to award grants to four State

educational agencies to enable the State educational agencies to pay the administrative expenses incurred in participating in the demonstration program under this section by carrying out a demonstration project under which eighth grade students described in subsection (b)(1)(B) receive a commitment early in the students' academic careers to receive a Federal Pell Grant.

(B) Equal amounts

The Secretary shall award grants under this section in equal amounts to each of the four participating State educational agencies.

(b) Demonstration project requirements

Each of the four demonstration projects assisted under this section shall meet the following requirements:

(1) Participants

(A) In general

The State educational agency shall make participation in the demonstration project available to two cohorts of students, which shall consist of—

- (i) one cohort of eighth grade students who begin participating in the first academic year for which funds have been appropriated to carry out this section; and
- (ii) one cohort of eighth grade students who begin participating in the academic year succeeding the academic year described in clause (i).

(B) Students in each cohort

Each cohort of students shall consist of not more than 10,000 eighth grade students who qualify for a free or reduced price school lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.).

(2) Student data

The State educational agency shall ensure that student data from local educational agencies serving students who participate in the demonstration project, as well as student data from local educational agencies serving a comparable group of students who do not participate in the demonstration project, are available for evaluation of the demonstration project, and are made available in accordance with the requirements of section 1232g of this title (commonly known as the "Family Educational Rights and Privacy Act of 1974").

(3) Federal Pell Grant commitment

Each student who participates in the demonstration project receives a commitment from the Secretary to receive a Federal Pell Grant during the first academic year that the student is in attendance at an institution of higher education as an undergraduate, provided that the student applies for Federal financial aid (via the FAFSA or EZ FAFSA) for such academic year.

(4) Application process

Each State educational agency shall establish an application process to select local edu-

cational agencies within the State to participate in the demonstration project in accordance with subsection (d)(2).

(5) Local educational agency participation

Subject to the 10,000 statewide student limitation described in paragraph (1), a local educational agency serving students, not less than 50 percent of whom are eligible for a free or reduced price school lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), shall be eligible to participate in the demonstration project.

(c) State educational agency applications

(1) In general

Each State educational agency desiring to participate in the demonstration program under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require.

(2) Contents

Each application shall include—

- (A) a description of the proposed targeted information campaign for the demonstration project and a copy of the plan described in subsection (f)(2);
- (B) a description of the student population that will receive an early commitment to receive a Federal Pell Grant under this section;
- (C) an assurance that the State educational agency will fully cooperate with the ongoing evaluation of the demonstration project; and
- (D) such other information as the Secretary may require.

(d) Selection considerations

(1) Selection of State educational agencies

In selecting State educational agencies to participate in the demonstration program under this section, the Secretary shall consider—

- (A) the number and quality of State educational agency applications received;
- (B) a State educational agency's—
 - (i) financial responsibility;
 - (ii) administrative capability;
 - (iii) commitment to focusing resources, in addition to any resources provided on students who receive assistance under part A of title I of the Elementary and Secondary Education Act of 1965 [20 U.S.C. 6311 et seq.];
 - (iv) ability and plans to run an effective and thorough targeted information campaign for students served by local educational agencies eligible to participate in the demonstration project; and
 - (v) ability to ensure the participation in the demonstration project of a diverse group of students, including with respect to ethnicity and gender.

(2) Local educational agency

In selecting local educational agencies to participate in a demonstration project under this section, the State educational agency shall consider—

(A) the number and quality of local educational agency applications received;

(B) a local educational agency's—

(i) financial responsibility;

(ii) administrative capability;

(iii) commitment to focusing resources on students who receive assistance under part A of title I of the Elementary and Secondary Education Act of 1965;

(iv) ability and plans to run an effective and thorough targeted information campaign for students served by the local educational agency; and

(v) ability to ensure the participation in the demonstration project of a diverse group of students.

(e) Evaluation

(1) In general

From amounts appropriated under subsection (h) for a fiscal year, the Secretary shall reserve not more than \$1,000,000 to award a grant or contract to an organization outside the Department for an independent evaluation of the impact of the demonstration program assisted under this section.

(2) Competitive basis

The grant or contract shall be awarded on a competitive basis.

(3) Matters evaluated

The evaluation described in this subsection shall—

(A) determine the number of students who were encouraged by the demonstration program to pursue higher education;

(B) identify the barriers to the effectiveness of the demonstration program;

(C) assess the cost-effectiveness of the demonstration program in improving access to higher education;

(D) identify the reasons why participants in the demonstration program either received or did not receive a Federal Pell Grant;

(E) identify intermediate outcomes related to postsecondary education attendance, such as whether participants—

(i) were more likely to take a college-preparatory curriculum while in secondary school;

(ii) submitted any applications to institutions of higher education; and

(iii) took the PSAT, SAT, or ACT;

(F) identify the number of students participating in the demonstration program who pursued an associate's degree or a bachelor's degree, or other postsecondary education;

(G) compare the findings of the demonstration program with respect to participants to comparison groups (of similar size and demographics) that did not participate in the demonstration program; and

(H) identify the impact of the demonstration program on the parents of students eligible to participate in the program.

(4) Dissemination

The findings of the evaluation shall be reported to the Secretary, who shall widely disseminate the findings to the public.

(f) Targeted information campaign

(1) In general

Each State educational agency receiving a grant under this section shall, in cooperation with the participating local educational agencies within the State and the Secretary, develop a targeted information campaign for the demonstration project assisted under this section.

(2) Plan

Each State educational agency receiving a grant under this section shall include in the application submitted under subsection (c) a written plan for the State educational agency proposed targeted information campaign. The plan shall include the following:

(A) Outreach

A description of the outreach to students and the students' families at the beginning and end of each academic year of the demonstration project, at a minimum.

(B) Distribution

A description of how the State educational agency plans to provide the outreach described in subparagraph (A) and to provide the information described in subparagraph (C).

(C) Information

The annual provision by the State educational agency to all students and families participating in the demonstration project of information regarding—

(i) the estimated statewide average cost of attendance for an institution of higher education for each academic year, which cost data shall be disaggregated by—

(I) type of institution, including—

(aa) two-year public degree-granting institutions of higher education;

(bb) four-year public degree-granting institutions of higher education; and

(cc) four-year private degree-granting institutions of higher education;

(II) component, including—

(aa) tuition and fees; and

(bb) room and board;

(ii) Federal Pell Grants, including—

(I) the Federal Pell Grant amount, determined under section 1070a(b)(2)(A) of this title, for which a student may be eligible for each award year;

(II) when and how to apply for a Federal Pell Grant; and

(III) what the application process for a Federal Pell Grant requires;

(iii) State-specific postsecondary education savings programs;

(iv) State merit-based financial aid;

(v) State need-based financial aid; and

(vi) Federal financial aid available to students, including eligibility criteria for such aid and an explanation of the Federal financial aid programs under subchapter IV of this chapter and part C of subchapter I of chapter 34 of title 42, such as the Student Guide published by the Department (or any successor to such document).

(3) Cohorts

The information described in paragraph (2)(C) shall be provided annually to the two successive cohorts of students described in subsection (b)(1)(A) for the duration of the students' participation in the demonstration project.

(4) Reservation

Each State educational agency receiving a grant under this section shall reserve not more than 15 percent of the grant funds received each fiscal year to carry out the targeted information campaign described in this subsection.

(g) Supplement, not supplant

A State educational agency shall use grant funds received under this section only to supplement the funds that would, in the absence of such grant funds, be made available from non-Federal sources for students participating in the demonstration project under this section, and not to supplant such funds.

(h) Authorization of appropriations

There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2009 and each of the five succeeding fiscal years.

(Pub. L. 89-329, title VIII, § 894, as added Pub. L. 110-315, title VIII, § 801, Aug. 14, 2008, 122 Stat. 3440; amended Pub. L. 111-39, title VIII, § 801(14), July 1, 2009, 123 Stat. 1956; Pub. L. 111-152, title II, § 2101(b)(6), Mar. 30, 2010, 124 Stat. 1073.)

REFERENCES IN TEXT

The Richard B. Russell National School Lunch Act, referred to in subsec. (b)(1)(B), (5), is act June 4, 1946, ch. 281, 60 Stat. 230, which is classified generally to chapter 13 (§1751 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 1751 of Title 42 and Tables.

The Child Nutrition Act of 1966, referred to in subsec. (b)(1)(B), (5), is Pub. L. 89-642, Oct. 11, 1966, 80 Stat. 885, which is classified generally to chapter 13A (§1771 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 1771 of Title 42 and Tables.

The Elementary and Secondary Education Act of 1965, referred to in subsec. (d)(1)(B)(iii), (2)(B)(iii), is Pub. L. 89-10, Apr. 11, 1965, 79 Stat. 27. Part A of title I of the Act is classified generally to part A (§6311 et seq.) of subchapter I of chapter 70 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 6301 of this title and Tables.

AMENDMENTS

2010—Subsec. (f)(2)(C)(ii)(I). Pub. L. 111-152 substituted “the Federal Pell Grant amount, determined under section 1070a(b)(2)(A) of this title, for which a student may be eligible for each award year” for “the maximum Federal Pell Grant for each award year”.

2009—Subsec. (b)(2). Pub. L. 111-39 substituted “commonly known as the ‘Family Educational Rights and Privacy Act of 1974’” for “the Family Educational Rights and Privacy Act of 1974”.

EFFECTIVE DATE OF 2010 AMENDMENT

Amendment by Pub. L. 111-152 effective July 1, 2010, see section 2101(c) of Pub. L. 111-152, set out as a note under section 1070a of this title.

EFFECTIVE DATE OF 2009 AMENDMENT

Amendment by Pub. L. 111-39 effective as if enacted on the date of enactment of Pub. L. 110-315 (Aug. 14, 2008), see section 3 of Pub. L. 111-39, set out as a note under section 1001 of this title.

PART Z—HENRY KUUALOHA GIUGNI KUPUNA MEMORIAL ARCHIVES

§ 1161z. Henry Kuualoha Giugni Kupuna Memorial Archives**(a) Grants authorized**

From the amounts appropriated under subsection (c), the Secretary is authorized to award a grant to the University of Hawaii Academy for Creative Media for the establishment, maintenance, and periodic modernization of the Henry Kuualoha Giugni Kupuna Memorial Archives at the University of Hawaii.

(b) Use of funds

The Henry Kuualoha Giugni Kupuna Memorial Archives shall use the grant funds received under this section—

(1) to facilitate the acquisition of a secure web-accessible repository of Native Hawaiian historical data rich in ethnic and cultural significance to the United States for preservation and access by future generations;

(2) to award scholarships to facilitate access to postsecondary education for students who cannot afford such education;

(3) to support programmatic efforts associated with the web-based media projects of the archives;

(4) to create educational materials, from the contents of the archives, that are applicable to a broad range of indigenous students, such as Native Hawaiians, Alaskan Natives, and Native American Indians;

(5) to develop outreach initiatives that introduce the archival collections to elementary schools and secondary schools;

(6) to develop supplemental web-based resources that define terms and cultural practices innate to Native Hawaiians;

(7) to rent, lease, purchase, maintain, or repair educational facilities to house the archival collections;

(8) to rent, lease, purchase, maintain, or repair computer equipment for use by elementary schools and secondary schools in accessing the archival collections;

(9) to provide preservice and in-service teacher training to develop a core group of kindergarten through grade 12 teachers who are able to provide instruction in a way that is relevant to the unique background of indigenous students, such as Native Hawaiians, Alaskan Natives, and Native American Indians, in order to—

(A) facilitate greater understanding by teachers of the unique background of indigenous students; and

(B) improve student achievement; and

(10) to increase the economic and financial literacy of postsecondary education students through the dissemination of best practices used at other institutions of higher education regarding debt and credit management and economic decisionmaking.

(c) Authorization of appropriations

There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2009 and each of the five succeeding fiscal years.

(Pub. L. 89-329, title VIII, §895, as added Pub. L. 110-315, title VIII, §801, Aug. 14, 2008, 122 Stat. 3445.)

PART AA—MASTERS AND POSTBACCALAUREATE PROGRAMS

§ 1161aa. Masters degree programs

In addition to any amounts appropriated under section 1136c of this title, there are authorized to be appropriated, and there are appropriated, out of any funds in the Treasury not otherwise appropriated, \$11,500,000 for fiscal year 2009 and for each of the five succeeding fiscal years to carry out subpart 4 of part A of subchapter VII in order to provide grants under sections 1136a and 1136b of this title, in the minimum amount authorized under such sections, to all institutions eligible for grants under such sections.

(Pub. L. 89-329, title VIII, §897, as added Pub. L. 110-315, title VIII, §801, Aug. 14, 2008, 122 Stat. 3446.)

§ 1161aa-1. Postbaccalaureate programs

In addition to any amounts appropriated under part B of subchapter V, there are authorized to be appropriated, and there are appropriated, out of any funds in the Treasury not otherwise appropriated, \$11,500,000 for fiscal year 2009 and for each of the five succeeding fiscal years to carry out part B of subchapter V.

(Pub. L. 89-329, title VIII, §898, as added Pub. L. 110-315, title VIII, §801, Aug. 14, 2008, 122 Stat. 3446.)

**CHAPTER 29—INTERNATIONAL STUDIES
AND RESEARCH**

§ 1171. Omitted

CODIFICATION

Section, Pub. L. 89-698, §2, Oct. 29, 1966, 80 Stat. 1066, which set out the Congressional findings and declaration of purpose in providing for a program of international studies and research, was omitted in view of the repeal of the remaining sections of this chapter by Pub. L. 96-374, title VI, §601(c)(2), Oct. 3, 1980, 94 Stat. 1472.

§§ 1172 to 1174. Repealed. Pub. L. 96-374, title VI, § 601(c)(2), Oct. 3, 1980, 94 Stat. 1472

Section 1172, Pub. L. 89-698, title I, §101, Oct. 29, 1966, 80 Stat. 1066, made provision for a program of international studies and research involving operation of centers for advanced international studies. See section 1123 of this title.

Section 1173, Pub. L. 89-698, title I, §102, Oct. 29, 1966, 80 Stat. 1067, provided for undergraduate programs in international studies. See section 1124 of this title.

Section 1174, Pub. L. 89-698, title I, §103, Oct. 29, 1966, 80 Stat. 1068; Pub. L. 91-230, title IV, §401(c)(7), Apr. 13, 1970, 84 Stat. 173, authorized payment in installments and in advance or by way of reimbursement.

EFFECTIVE DATE OF REPEAL

Sections repealed effective Oct. 1, 1980, see section 1393(a) of Pub. L. 96-374, set out as an Effective Date of 1980 Amendment note under section 1001 of this title.

§ 1175. Repealed. Pub. L. 91-230, title IV, § 401(f)(7), Apr. 13, 1970, 84 Stat. 174

Section, Pub. L. 89-698, title I, §104, Oct. 29, 1966, 80 Stat. 1068, prohibited Federal control of education (curriculum, program of instruction, administration, personnel of any educational institution, selection of library resources, and content of any material developed or published), and was superseded by section 1232a of this title.

§§ 1176, 1177. Repealed. Pub. L. 96-374, title VI, § 601(c)(2), Oct. 3, 1980, 94 Stat. 1472

Section 1176, Pub. L. 89-698, title I, §105, Oct. 29, 1966, 80 Stat. 1068; Pub. L. 90-575, title V, §502, Oct. 16, 1968, 82 Stat. 1062; Pub. L. 92-318, title I, §183, June 23, 1972, 86 Stat. 312; Pub. L. 94-482, title III, §303, Oct. 12, 1976, 90 Stat. 2216, authorized appropriations and provided for an annual report to Congress. See section 1125 of this title.

Section 1177, Pub. L. 89-698, title I, §106, Oct. 29, 1966, 80 Stat. 1069; Pub. L. 91-230, title IV, §401(h)(5), Apr. 13, 1970, 84 Stat. 174, provided for creation of a National Advisory Committee on International Studies. See section 1131 of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1980, see section 1393(a) of Pub. L. 96-374, set out as an Effective Date of 1980 Amendment note under section 1001 of this title.

**CHAPTER 30—BASIC EDUCATION FOR
ADULTS**

**SUBCHAPTER I—BASIC PROGRAM
PROVISIONS**

§§ 1201 to 1201b. Repealed. Pub. L. 105-220, title II, § 251(a)(1), Aug. 7, 1998, 112 Stat. 1079

Section 1201, Pub. L. 89-750, title III, §311, as added Pub. L. 100-297, title II, §2102, Apr. 28, 1988, 102 Stat. 302, stated purpose of chapter.

A prior section 1201, Pub. L. 89-750, title III, §302, Nov. 3, 1966, 80 Stat. 1216; Pub. L. 91-230, title III, §301, Apr. 13, 1970, 84 Stat. 159; Pub. L. 95-561, title XIII, §1301, Nov. 1, 1978, 92 Stat. 2356; Pub. L. 98-511, title I, §101, Oct. 19, 1984, 98 Stat. 2366, related to Congressional declaration of purpose of chapter, prior to the general amendment of this chapter by Pub. L. 100-297.

Section 1201a, Pub. L. 89-750, title III, §312, as added Pub. L. 100-297, title II, §2102, Apr. 28, 1988, 102 Stat. 302; amended Pub. L. 101-26, §3(a), May 11, 1989, 103 Stat. 55; Pub. L. 101-589, title VII, §723, Nov. 16, 1990, 104 Stat. 2913; Pub. L. 102-73, title VIII, §802(b)(1), July 25, 1991, 105 Stat. 361, defined terms used in chapter.

Section 1201b, Pub. L. 89-750, title III, §313, as added Pub. L. 100-297, title II, §2102, Apr. 28, 1988, 102 Stat. 304; amended Pub. L. 102-73, title III, §301(a), title VIII, §802(b)(2), July 25, 1991, 105 Stat. 345, 361, authorized appropriations and required allotments.

A prior section 1202, Pub. L. 89-750, title III, §303, Nov. 3, 1966, 80 Stat. 1216; Pub. L. 90-576, title III, §302, Oct. 16, 1968, 82 Stat. 1095; Pub. L. 91-230, title III, §301, Apr. 13, 1970, 84 Stat. 159; Pub. L. 93-380, title VI, §601, title VIII, §843(c)(1), Aug. 21, 1974, 88 Stat. 576, 611; Pub. L. 95-561, title XIII, §§1302, 1304(a), Nov. 1, 1978, 92 Stat. 2357; Pub. L. 98-511, title I, §102(a)-(f)(1), Oct. 19, 1984, 98 Stat. 2366, 2367, related to definitions used in this chapter, prior to the general amendment of this chapter by Pub. L. 100-297.

SHORT TITLE OF 1991 AMENDMENT

Pub. L. 102-73, §1, July 25, 1991, 105 Stat. 333, provided that Pub. L. 102-73 was to be cited as the “National Literacy Act of 1991”, prior to repeal by Pub. L. 105-220, title II, §251(a)(2), Aug. 7, 1998, 112 Stat. 1079.

SHORT TITLE OF 1988 AMENDMENT

Section 2101 of Pub. L. 100-297 provided that part B (§§2101, 2102) of title II of Pub. L. 100-297, enacting this